the weekly
Standard

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The Road from Hebron

and BILL GERTZ on the origins of the mischevious letter that sought to tilt the peace process toward Arafat

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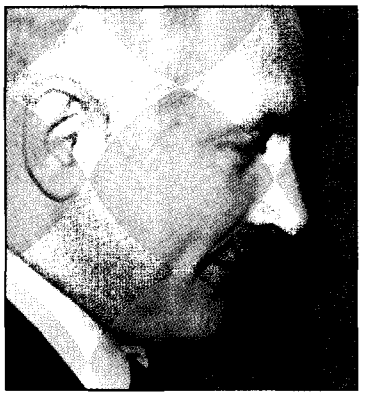

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Dick Morris Fact-Checks His Book

One of the more indignant passages in Dick Morris's soon-to-be-forgotten memoir *Behind the Oval Office* concerns Alex Castellanos, a Republican media consultant in Washington. As Morris tells the story, a *Washington Post* reporter called him in 1995 or 1996 and said that Castellanos had told her that when Clinton was governor, Morris "had procured women for [Clinton] whenever he visited New York. Alex claimed that I told him that I personally delivered women to the Waldorf-Astoria Hotel." Morris goes on: "The story was wild, totally ungrounded in any possible fact at all."

Cut to inaugural weekend, to a party thrown by chatmeister John McLaughlin at the Willard Hotel. Castellanos approached Morris and asked, "How's the repentance going?" Morris had no time for small talk.

"Was that item I wrote about you in my book really true?" Morris asked. "Did I really tell you that?" When Castellanos assured Morris that Morris had indeed told him that, the penitent pollster shrunk sheepishly away.

But his spirit remains unbroken. At the same party, Morris was introduced to the nationally syndicated columnist (and TV personality, and activist, and author) Arianna Huffington. Mrs. Huffington has been extraordinarily tough on Morris. His greeting will live forever in the annals of Washington solipsism: "Oh yes!" exclaimed Morris. "I've read all your columns about me!"

Coming Out Straight

Lest you wonder whether it has been an advantage, or a disadvantage, to be openly gay in the world of pop culture these days, consider the case of Gregg Araki. Araki is one of the premier homosexual writer-directors of the day, with highly praised examinations of gay life ranging from the euphoniously titled *All F---ed Up* (the dashes are part of the title) to *The Doom Generation*.

Araki is what *Entertainment Weekly* likes to call "cutting-edge," so his latest move may portend something very serious. It seems that Araki is now dating . . . a woman! And not just any woman either. To quote from *Variety*: "Offscreen, the independent film world is buzzing about director Gregg Araki's shift in sexual orientation. . . . Araki has always been heralded as one of the most important voices in independent gay cinema. So his involvement with 'Beverly Hills 90210' starlet Kathleen Robertson [has] set tongues wagging."

Kathleen Robertson plays Claire, the supposedly brilliant college-president's daughter with a wild streak. She appears in Araki's new movie, *Nowhere*, and apparently Cupid's arrow found an unlikely target. Or has Araki decided that heterosexuality is the wave of the future?

The Wanniski Meltdown

We swore off coverage of Jude Wanniski after the election last fall, but Jack Kemp's guru has outdone himself. That's no easy feat for the man who called himself Kemp's "puppeteer" and who almost managed to talk Kemp into becoming a sort of junior Warren Christopher—conducting shuttle diplomacy between American Jews and Nation of Islam anti-Semite Louis Farrakhan.

Now that Kemp is occupied pondering 2000, Wanniski has busied himself reaching out to Farrakhan. In a Jan. 22 letter to "a reader of the Jewish *Forward*," self-published on his Internet homepage, Wanniski offers the following analysis:

• "I've observed in the past that virtually all 'black leaders' have been chosen by the white power structure, and when they have not, they are frequently assassinated."

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Scrapbook

• When Farrakhan claims "to be *a messiah*, I'm prepared to listen, and when I hear his message of global reconciliation and atonement for sin—which was the message of the Million Man March—I'm even prepared to believe he may be *a messiah*."

• "In my five-hour dinner with Farrakhan in December, I did not hear a word that could have come from someone who was *not* a man of God. I . . . frankly have been unable to find a clear sign of anti-Semitism in any of his speeches or writings. His words are taken by political Jews as being anti-Semitic, but I hear them as challenges to Jews to understand that there is a holocaust underway now, today, not a half century ago."

• "Would it have done any good if there had been a Jewish Farrakhan, with the ability to rally a million Jewish men to march on Berlin, and proclaim themselves not to be subhuman, but human? We will never know. But Louis Farrakhan has taken on that assignment for his people in this day and age, when the circumstances are much different, but the plight of the black family here and in Africa is relevant to what happened 60 years ago in Germany and Poland."

After downloading Wanniski's repellent correspondence, the Scrapbook wanted to be fair and so surfed over to *The Nation of Islam Online*—Farrakhan's home-page on the World Wide Web—where we were cordially welcomed: "*Bismillah Ar-Rahman Ar-Rahim*; In The Name Of Allah The Beneficent, The Merciful; Click Here or on The Flag to Enter."

What was behind the flag? Well, the hateful and anti-Semitic *Secret Relationship Between Blacks and Jews*—the Nation of Islam's version of the *Protocols of the Elders of Zion*—is on sale. And for free you can read excerpts from the group's newsletter, *Blacks And Jews News*, which helpfully explains that Farrakhan never called Judaism a "gutter-religion" but only a "dirty-religion." And no, there wasn't any mention of Wanniski.

Up Next: Shecky Greene Discusses the Problem of Evil

And while we're on the subject of outdoing oneself, the *Larry King Live* special Jan. 17 on the death of Ennis Cosby featured what may be an untoppable teaser line, to get you to hang around during the ads. Said Larry: "We're going to take a break and ask Jesse Jackson to help us deal with death. Don't go away."

Consider Us Whipped

Several readers correctly point out that it was not King Lear, as we had it three weeks ago, but Hamlet who asked, "who should 'scape whipping?" Clearly, we shouldn't.

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Casual

HEEEEEERE'S DAVID!

One night in 1980, I went to see Stanley Kubrick's film *The Shining*. I liked it: the creepy music, and that classic scene where the Jack Nicholson character, deranged by writer's block, busts through a bathroom door to attack his wife with an axe. "Heeeere's Johnny!" he bellowed. Great fun.

My then-companion didn't think it was fun. She thought it was profound. "What a script!" she gushed. She praised the script's author for turning a trashy Stephen King thriller into a metaphor for the pathological narcissism of art. Or some such twaddle.

For chrissakes, said I, it's a *horror movie*. No, it's a "three-cappuccino *oeuvre*," my friend insisted. So before we parted company that evening—and we were soon to part forever—I listened to her speculate about the personal sources of the screenwriter's inspiration. "Brrrrr," I remember this woman shuddering. "You wouldn't want to belong to *that* family."

I don't know about that.

My wife, Darcy, is inhumanly perfect. We are married because—as if to prove the point through inhuman forbearance—she still hasn't sent me packing after almost 15 years. My wife's family turns out to be pretty nice, too.

Darcy has three charming siblings. Her charming stepfather is an eminent physician who so resembles the Great White Doctor of imperialist myth that she calls him, simply, "Bwana." Throw in 15 step-siblings, spouses, and children, and this family is a veritable mob of charm.

In the psychic center of Darcy's clan sits Mrs. Bwana—my charming mother-in-law, Diane Johnson. She is "Dinny" to friends and relations. I count in both categories. We are solid, Dinny and I, sharing all the by-marriage affection one might reasonably hope for.

Not that we see each other much. She and Bwana, technically retired, lately spend half of each year in Paris. Dinny passes through Washington only on rare trips between hometown San Francisco and the City of Light. We talk about the differences between Americans and the French. She has gone totally froggy on us. And since I am the designated right-wing weirdo in the family, it naturally falls on me to stand up for the Stars and Stripes.

For last year's visit, Dinny brought along Darcy's sister Amanda and her two sons. Amanda also lives in Paris, having married an extremely French fellow named Jean-François. Amanda's equally French *garçons* are absolutely adorable. But even with them, for benefit of Grandma Dinny, I do my jokey love-America-or-leave-it routine.

My boy Oliver plays cowboy with his toddler cousin Noé. "Reach for the skies, French baby," Ollie orders. I exult in my child's emerging nationalism. Home from the mall the next day, Noé's brother Luc sighs about the ride: "*Je trouve la voiture de Darcy très belle*." The beauty of Darcy's car is due to the genius of Detroit, I explain.

But the car in question is a Toyota; my Americanismo act is (mostly) just for fun. Even my worst provocations—as when I defend the EuroDisney theme park in suburban Paris—are issued with a smile. And Dinny has always smiled back, and has given as good as she got. None of this familial jousting, Jack Nicholson and the cappuccino lady notwithstanding, has driven either of us to murder anyone. Until now.

Hold on, you say; back up a sentence. Are we doing *The Shining* again? What's *that* got to do with anything? Well, first off, my mother-in-law was the co-author of that screenplay. She's written a bunch of other stuff as well: seven novels, a travelogue, a pair of biographies, a collection of essays. It is all enviously distinguished, earning her two finalist nominations for the Pulitzer, another two for the National Book Award, and an armload of subsidiary honors. Dinny is a "real writer," unlike some other people in the family.

And she has just produced her best work yet. *Le Divorce* (Dutton, 309 pp., $23.95) is a beautifully observed novel of manners about the cultural disorientations of the American expatriate community in Paris. There have been some rave reviews: a special, boxed notice in *Publishers Weekly*, for instance, and a big essay by critic Gabriele Annan in the *New York Review of Books*.

I should be glowing with son-in-lawyerly pride. Except for one thing: The villain of *Le Divorce* is a repulsive Francophobe. He works at EuroDisney. In the end, he goes berserk and kills someone who reminds me of my French brother-in-law. This villain's name is—gulp—"Tellman." (Please take a moment to look at the last two words on this page.)

My wife, perfect as always, sensibly rejects my "paranoia" about this. Yes, her mother's novel may have a few vague parallels to real-life family circumstance. But the characters are really nothing like us at all, Darcy points out: "It's just fiction, a story."

Oh, but it isn't, honey, I still can't help thinking. It's a three-cappuccino *oeuvre*, a profound metaphor for the pathological narcissism of art. Read it and see for yourself; I highly recommend the book. Or wait for the Stanley Kubrick version. It'll no doubt star Jack Nicholson. "Heeeere's David!" Great fun. Sort of.

DAVID TELL

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You deserve a factual look at...

The Golan Heights

To Whom Do They Belong? Can Israel Survive Without Them?

Now that Gaza and part of Judea/Samaria (the "West Bank") have been turned over to the Palestinians, the clamor for peace with Syria becomes ever more strident. Hafez Assad, Syria's president, has left no doubt, and it is generally understood that he will not make peace with Israel unless the Golan is returned to him in its entirety and without any conditions.

What are the facts?

Historical Background—The Golan was always part of the Jewish homeland. The Syrian claim to the Golan is tenuous. Syria, as a political entity, did not exist at all until after the first World War. Until then it was just another province in the Ottoman empire, with ill-defined borders. In 1923, in an Anglo/French great-power play, the border between Syria and Israel was established. The Golan Heights were ceded to Syria.

Even before the establishment of Israel in 1948, the Syrians, having heavily fortified the area, subjected the villages in northern Israel to almost daily shellings, making normal life impossible. In the 1967 Six-Day War, Syria attacked Israel and was defeated. Israel occupied the Golan Heights and in 1981, for all practical purposes annexed them.

Syria and its President—Syria is the most destabilizing influence in the Middle East. It is classified by the U.S. State Department as a narcotic-dealing and terrorist state. Its main fury is directed against Israel, which is perceived as a bulwark of Western influence and civilization, both of which Syria totally rejects.

Syria's President, Hafez Assad, is a tyrant, every bit as ruthless and cunning as his Iraqi counterpart, Saddam Hussein. Under Assad, Syria is a world center for terrorism. It still harbors Nazi bigwigs, who found welcome there after the World War. Few doubt that he was the mastermind and final authority in the suicide attack on the Marine barracks in Beirut in which 241 Americans died, and in the explosion of Pan Am flight #103 in which 270 people lost their lives. He oversees one of the largest narcotics operations in the world.

Military Security—The Golan is the size of the New York borough of Queens, about 10 miles wide, with a plateau on either side of a ridge. If it were part of Syria it would be less than 1% of its territory. But it is of a supreme strategic importance to Israel. Its high ground provides early-warning capability, without which Israel–just as in 1948, in 1967, and in 1973–would be subject to surprise attack by the Syrians. Its loss would obligate Israel to stay on constant alert and to maintain a state of readiness and mobilization that would be economically and socially untenable. The Golan, which ranges up to a height of 2300 ft., dominates the Jordan Valley, the lowest point on earth about 700 ft. below sea level. On the Golan itself, there are only two natural terrain bottlenecks through which tanks can advance. Those choke points are defensible and made possible the repulse of 1400 Syrian tanks that attacked Israel in the 1973 war. But with the Golan in Syrian hands, and without the radar installations that would give Israel warning of any military movements, thousands of tanks–backed up by missiles and airplanes–could overrun Israel in a matter of hours. It would be a strategically impossible situation, especially for a country as small as Israel–smaller than Lake Michigan, smaller by half than San Bernardino County in California. The Golan does not make for perfect defense, but it gives Israel a small breathing space for mobilization.

> "With the Golan in Israeli hands, attacking Arabs could be confident of defeat and peace would be preserved. To hand the Golan to Syria is a prescription for war and a prescription for Israel's destruction."

The Golan is the source of over one-third of Israel's fresh water. In 1964, with the Golan in Syrian hands, Syria attempted to divert these headwaters and to cripple Israel's water supply. It is more than likely that, given another opportunity, Syria would once again attempt to destroy Israel's water supply.

In its keen desire to bring peace to its people, after almost fifty years of war and bloodshed, Israel has been prepared to make far-reaching concessions to Syria on the Golan, in exchange for real peace. But Benjamin Netanyahu, who has promised his people *shalom batuach* (peace with security) is not prepared to give up all of the Golan high ground and to return to the "death trap" borders of 1967, or anything close to them. In order to survive within such borders, Israel would have to rely on the goodwill of the Arab states, most of which—with the recent exception of Jordan and of the cold peace with Egypt—are still in a declared state of war with Israel. An aggressor will attack only if confident of victory. With the Golan in Israeli hands, attacking Arabs could be confident of defeat and peace would be preserved. To hand the Golan to Syria is a prescription for war and for Israel's destruction.

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Military Culture On Defense

James Webb ("The War on the Military Culture," Jan. 20) is an astute observer of military policy, and his observations about the detrimental integration of women into mainline units of the armed forces is another fine example of his insight.

The question that needs to be asked and answered is this: Does the inclusion of females in the ranks of combat and combat-support units enhance the combat efficiency and effectiveness of the armed services to fight and win wars?

This should be the determinant guiding any military personnel policy, and I suspect an honest appraisal would result in a clear and resounding "no" to this question.

Do women bring special talents or strengths to military-combat/combat-support roles? Just the opposite is more likely.

The inclusion of women complicates unit logistics, adds cost, and introduces an unneeded element of sexual tension within the ranks of affected units. Integration of women on a vast scale begs potential abuse by a small number of male predators, which, although inexcusable and properly disciplined, can only demoralize much of the military establishment with the accusations, investigations, and upheaval that follow.

Ultimately, we may well pay a price in American blood when we tinker with the combat effectiveness of the military for whatever reason. Certainly this is too great a price to pay for feminist political correctness run amok in the armed services of the United States.

PAUL VETTERICK
BEAVERTON, OR

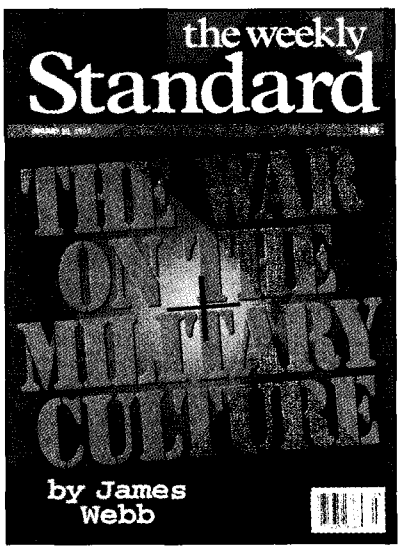
What's wrong with opening the military to women, in Webb's view? Why, it degrades the performance of the military. Webb points to instances of hank-panky and thinks that they are unavoidable because it's the nature of the military culture to be "physical and aggressive."

The problem is that this line of thinking ignores the splendid performance of the military during Panama and Desert Storm, two conflicts in which female military members performed well, as did the military generally.

The notion that the military sensibility isn't compatible with mixing the sexes is positively antique. Our military doesn't go around killing other Americans or destroying people's property.

Yet killing and destruction are surely acts in which we expect them to engage at the appropriate time. Indeed we insist on it. We have always required the military to be physical and aggressive, yet civilized at the same time.

BRUCE M. CARNES
SPRINGFIELD, VA



James Webb's article was certainly to the point and well taken. As one who served this country between 1943 and 1967, I see clearly that I would be totally out of place in today's armed services.

What is particularly offensive and beyond any satisfactory explanation is the almost complete unwillingness of the existing crop of senior military and civilian leaders to say loudly and clearly, "Stop. Enough is enough."

There is not even a Billy Mitchell among them. They are so sordidly attached to their collective dreams of one day becoming chairman of the Joint Chiefs that they are quite willing to stand by and watch the services' disintegration.

JOHN I. JENKINS
ALAMOGORDO, NM

Libertarian Musings

Americans don't "view our collection of costly, inefficient, and poorly managed programs as the primary threat to liberty and self-government," as Daniel Casse argues in his review of Charles Murray's *What It Means To Be a Libertarian* ("The Murray Manifesto," Jan. 20). Last time I checked, a collection of costly, inefficient, and poorly managed programs led to the downfall of the Soviet Union.

And such programs haven't done much better in this country either. Welfare, public housing, public schools, adoption, and affirmative action are all examples of programs that well-intentioned people, like Casse, created not too long ago to improve America. Today, trillions of dollars later, they are hopeless disasters. Casse trusts conservatives to do a better job. But why should we assume that government programs dreamed up by conservative philosopher-kings will outperform their liberal counterparts?

Government programs undermine strong communities by weakening organizations that build good citizens, such as churches, schools, and families. Government's overarching "paternalism," which Casse claims people find innocuous, is bad for our country. Murray's book offers a delightful journey into an America where citizens live as free and responsible members of society.

NINA SHOKRAII
WASHINGTON, DC

Daniel Casse writes that he finds Charles Murray's book to be unpersuasive, yet nowhere does he provide any argument against Murray. The gravamen of his complaint is that many Americans "can't accept" some facets of libertarianism. That is no doubt true. But the fact that some people do not agree with libertarian theory, or Murray's exposition thereof, is not much of an argument against libertarianism.

GEORGE C. LEEF
EAST LANSING, MI

It is a shame that Daniel Casse had not read *Libertarianism: A Primer* by my colleague David Boaz before making the claims that "libertarianism has never made it into the country's mainstream political or intellectual trends"

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and that "the philosophy has never really succeeded in the United States." Casse's claim is an odd one to make about a country founded on the statement that "all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty, and the pursuit of Happiness. That to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed. . ."

TOM G. PALMER
WASHINGTON, DC

When Daniel Casse says that America has become a more complicated and less manageable country in the last century, and that laissez faire is beside the point, he is totally ignoring what created the problem in the first place. Consider the failed school system, one of Casse's examples, and his admonition: "The sheer magnitude of the problems that government now fumbles with may mitigate against the voluntary and private solutions that worked during the early part of the country's history." Yes, the school problem is out of control. In California, the state's fourth-graders score 15 points below the national average and 59 percent of them cannot reach a "basic reading" level. Why? Because 10 years ago the state required a Whole Language approach to reading.

A private company, Hooked on Phonics, stepped in to offer a private solution to those parents who had the interest, savvy, and funds to purchase the course. This left the other students in an ideological wasteland of bureaucrats and educational administrators who presume to know best, yet prove time and time again that their interests are in their pet theories and not in learning.

PAMELA BUTLER
MILL VALLEY, CA

Daniel Casse's article provides a perfect example of what libertarians mean when they say that there is not a dime's worth of difference between Democrats and Republicans.

Casse, presumably a Republican (after working for both Dole and Alexander), can barely contain his enthusiasm for big government. In his review, he praises the Ponzi scheme known as Social Security and avers that we're doing pretty well in spite of poorly managed programs and inefficient regulations.

Casse concludes with a flourish of backward reasoning worthy of a dedicated Republicrat: It would be better, he agrees, if society could rely less on government—but first we must promote and guarantee individual responsibility. Another job for bureaucrats!

ELIZABETH QUAINTANCE
DOWNERS GROVE, IL

GIVE CHINA SOME SPACE

Robert Kagan ("What China Knows That We Don't," Jan. 20) fails to recognize that China's meddling in her backyard is a perfectly understandable attempt by a rising power to expand influence abroad. What makes Kagan believe that a democratic Beijing would pursue a different foreign policy? Any Chinese leader would be lambasted politically for reneging on historic claims to Taiwan, Hong Kong, and the South China Sea.

If the comparison of Wilhelmine Germany to today's China does not convince Kagan that "engagement" is the best approach, then perhaps the analogy with the United States will. From the perspective of Latin America, the rise of U.S. power and influence a century ago led to our imposing hegemony over the hemisphere. Today, the United States appears to the Asians not just as an "international nanny" and a "bully," to quote Winston Lord, but as a hypocrite. When China sends troops into the South China Sea, it is denounced by Washington; but when we intervene in the Caribbean, that is fine.

Such hypocrisy will eventually generate a backlash. No other country in the region supports Washington's linkage of trade to human rights. No one except Australia allied itself publicly with the United States against China on the Taiwan issue last year. Is there any evidence that the Malaysians, the Singaporeans, the Thais, the Indonesians, or the Indians would conform to Kagan's strategy? Instead of trying to "contain" China, these countries prefer to allocate room for Beijing's rising power and influence.

Great powers are entitled to a sphere of influence in regions they deem essential to their security. But Kagan's proposal—deny MFN, block membership in the WTO, strengthen the U.S. military in the region, use force when China modestly flexes her muscles—would produce the very consequences that containment is meant to deter.

TOM SWITZER
WASHINGTON, DC

ACTING LIKE A DEMOCRAT

I have taken note of your Jan. 20 Scrapbook item "Act Like Democrats," and I want to correct a misrepresentation. On Jan. 7, at the Republican Conference meeting the day Newt Gingrich was reelected speaker, I registered with Republican leaders my continuing protest about a provision in the pending House Rules package regarding the "supermajority" requirement for tax increases. At no time, however, did I seek any change in the Rules package "in exchange for" my support for Mr. Gingrich's election.

I have always felt that it makes no sense to impose a "supermajority" requirement for tax increases that we routinely waive when convenient.

REP. MARGE ROUKEMA
WASHINGTON, DC

NOT IN THE E-MAIL LOOP

I was flattered to see my advertising column for the *New York Times* parodied (Parody, Jan. 13). I've had calls and faxes from both Washingtons, but—make of this what you will, considering the subject of the parody was the online world—no e-mail.

STUART ELLIOTT
NEW YORK, NY

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the weekly Standard

SOPHISTRY AND AFFIRMATIVE ACTION

We should begin with a brief recapitulation of the California Civil Rights Initiative story. CCRI is an amendment to the California constitution, with language lifted almost verbatim from the federal Civil Rights Act of 1964, that would ban the use of racial and gender preferences in state-funded employment, education, and contracting programs. It was approved by a 54 percent majority—a margin of nearly 800,000 votes—on November 5. The very next day, the Coalition for Economic Equality and a long list of other groups opposing CCRI (and defending affirmative action) filed a complaint in San Francisco's U.S. District Court. They sought a restraining order to delay implementation of the measure.

On November 27, they got it—from the court's chief judge, Thelton E. Henderson, who used a loophole to seize the case, which had been randomly assigned to a colleague. On December 23, he issued a more permanent "preliminary injunction" against CCRI. On January 3, Californians Against Discrimination and Preferences, an organization representing CCRI's authors and proponents, joined the state of California in appealing Judge Henderson's injunction. CCRI now faces an endless round of briefs and pleadings, which will almost certainly wind up at the Supreme Court. In the best of circumstances, the measure will not take effect for many more months.

JUDGES ARE NOT THE ONLY PROBLEM WHEN IT COMES TO ABOLISHING RACIAL PREFERENCES. LEGISLATORS, TOO, ARE FAILING IN THEIR DUTIES.

Is this *simply* the case of a lone, renegade judge cavalierly thwarting a cut-and-dried expression of popular will? If it were, we might propose a simple fix. Until the mid-'80s, single judges were not allowed to declare state laws unconstitutional. Three judges had to agree collectively. Congress should reinstate this "three-judge rule."

But that's not enough. CCRI is a much bigger problem. For starters, the pretense of a serious constitutional argument is involved. Judge Henderson guesses there is a "strong probability" that CCRI violates the equal-protection clause of the federal constitution's Fourteenth Amendment. He cites two Supreme Court precedents in support of this view. In 1969, the court struck down a local city council's edict requiring that fair-housing legislation win the approval of both local aldermen *and* a citywide voter referendum. The majority opinion said that edict was impermissible: a double, and racially targeted, legal hurdle. In 1982, the justices struck down a statewide ballot initiative that had banned the use of school busing for racial purposes while continuing to allow it for non-racial purposes.

Henderson says this pair of Supreme Court equal-protection rulings casts doubt on CCRI. Like the measures they overturned, he argues, CCRI would force certain classes of citizens seeking preferential benefits (women and racial minorities) to jump through an extra procedural hoop—in this case, passage of a ballot initiative overturning CCRI. This would be unacceptable, according to the judge, because other classes of citizens seeking preferences (the handicapped, for instance) would still be allowed to have their way through mere legislation.

We said this was the *pretense* of a serious constitutional argument. It gets more pretentious the closer you look.

First, the "double-track" mechanism in the 1969 case doesn't really apply to CCRI; to revoke California's new law, opponents only have to re-amend the state constitution once. And the 1982 case *can't* apply to CCRI, because that majority opinion explicitly *asserted that it did not mean* efforts to end affirmative action were unconstitutional. In fact, on the same day the court issued this 1982 decision, it upheld—in a

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separate case—a California ballot initiative that amended the state constitution to ban racial busing.

Henderson doesn't really dispute any of this. He doesn't even bother to address most of it. He simply pronounces that CCRI unfairly hampers the political aspirations of women and minorities in California—including, evidently, the 27 percent of black Californians who voted for the referendum, along with absolute majorities of Asian Americans and white women. These people were deluded, the judge believes. In essence, he believes this: Any sweeping, statewide initiative that prevents government from serving its minority citizens' best interests—as he understands those interests—violates the Fourteenth Amendment.

By this bizarre reasoning, of course, the Fourteenth Amendment practically violates itself, since it plainly prohibits a state from discriminating among its citizens on the basis of race or gender. CCRI does that too. And nothing more.

But a runaway judge propounding nasty ideas is hardly the half of it. There is something still worse—far worse—about the entire CCRI controversy, something most public commentary about the issue has thus far barely touched. For if justice be truly done, California should not need a CCRI in the first place.

No group of American voters, so far as anyone can remember, has ever directly endorsed affirmative action. In fact, no group of American voters had ever directly acted on such programs, for or against, until a majority of Californians rejected them out of hand in November. Affirmative action is a disembodied product of American democracy: invented by presidential executive order and sustained over the years by cloakroom budgeting decisions, enforcement-agency directives, and complicated litigation.

And this is the capper. Affirmative action—nearly all of it, whether administered by California, some other state, or the federal government—is now presumptively unconstitutional. Under the same Fourteenth Amendment Judge Henderson is sworn to uphold. Those preference programs that Californians thought they were repealing in November had been repealed already—by the implied but unmistakably obvious logic of Supreme Court decisions in *Richmond* v. *Croson* (1989) and *Adarand* v. *Peña* (1995).

And yet so little ever gets done about it! The state legislatures wait for their every last racial set-aside and university-admissions preference to be adjudicated by the courts. The president of the United States pretends he can't predict how those cases will ultimately be resolved and thus works to preserve the federal government's own versions of these programs. On Dec. 20, in fact, White House spokesman Mike McCurry revealed that the president has been following CCRI "very carefully"—and that Clinton has concurred in a Hendersonian Justice Department analysis of the initiative as "unconstitutional." Our Justice Department will aggressively oppose CCRI in the Ninth U.S. Circuit Court of Appeals.

In the 1960s, there was massive popular resistance to court-ordered desegrega-

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tion in the South. In the 1990s, throughout the nation, there is massive *institutional* resistance to a court-ordered—and popularly supported—follow-on obligation of justice: the abolition of remaining racial and gender classifications by government. Even a "conservative" Republican Congress in Washington tacitly resists. The GOP majority has deauthorized a single affirmative action program since it arrived here in 1995. It has formally *reauthorized* at least one other and continued to spend money on all the rest: big, small, medium preferences—hundreds of them.

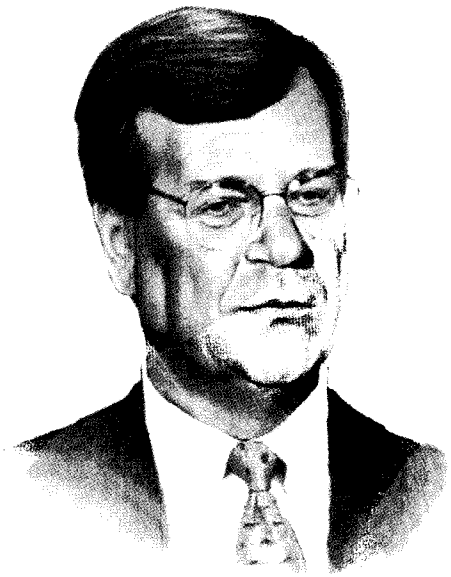
Congressional Republicans should reverse this course in 1997. Even baby steps in the direction of colorblind policy would be an improvement. That's what the Constitution demands, after all.

—David Tell, for the Editors

WHAT LOTT WANTS

by Fred Barnes

ONE WEEK AFTER LAST November's election, President Clinton met privately at the White House with Senate majority leader Trent Lott. Among the subjects discussed was the balanced budget amendment. Lott, pragmatic in his conservatism but zealously in favor of the amendment, insisted it has a good chance of passing in 1997. Clinton said he still opposes amending the Constitution to require balancing the budget every year. But his main concern, he told Lott, is an escape hatch if there's an economic downturn or national emergency. Lott said a way might be found to accommodate the president. It was, Lott said later, "a very calm discussion," and it made a strong impression on Clinton. When a reporter asked him later that morning if he opposes the amendment, the president sounded far less hostile than before. "I don't believe we need it, but if we have it, it ought to be implemented in a way that actually works and gives the country what it needs to manage a recession," he said.



Chas Fagan

Lott's influence didn't last long. The next day, Clinton gathered with his advisers, including then-chief of staff Leon Panetta and Treasury secretary Robert Rubin, both fervent foes of the amendment. "The president was under the impression the balanced budget amendment was pretty much a done deal," a White House official said. "They let him know that with the additional Democrats in the House and some odd changes in the Senate there actually was a shot [at defeating it]." Clinton decided to go back to his previous position of strong opposition. "What he told us in the Oval Office," according to Rubin, "was go back out there and make sure that the American public knows that [the president is] fully and energetically opposed to a balanced budget amendment." Clinton's advisers announced exactly that.

So Lott, a resourceful tactician, turned to another approach to persuade the White House to limit its role in fighting the amendment. He's made the amendment a test of Clinton's seriousness about bipartisanship. Constitutionally, of course, the president's role is already limited. If passed by two-thirds of the Senate and House, the amendment would go directly to the states for ratification. The president would have no opportunity to sign or veto it. But his part is crucial nonetheless. In 1995, Clinton's cajoling of Democrats helped kill the amendment in the Senate by 1 vote (it passed the House by 10 votes). "If the president makes it an issue, he can quickly make it more difficult for a Democrat to be for it," said former GOP congressman Vin Weber. Even if every Republican backs the amendment this year, which is likely, it still needs 65 Democrats in the House and a dozen in the Senate to pass. The amendment is scheduled for a vote in both houses in late February.

How intensely the White House fights the amendment, Lott told me, "is going to be big-time important." If Clinton and his aides are aggressive and shrill and exaggerate their case against the amendment, he

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said, that will affect how readily Republicans compromise with the White House on other issues, including the budget Clinton will send to Congress on February 6. Lott was particularly appalled by Rubin's testimony before the Senate Judiciary Committee on January 17. "Did you see his comments?" Lott asked his aides the next day. He believed Rubin had taken the "Chicken Little" approach by arguing the amendment would put Social Security and the economy in jeopardy. "The president needs to speak to his Treasury secretary and tell him to cool the rhetoric if he wants us to work together," Lott said. "If he wants a balanced budget, he'd better get his secretary of the Treasury to be calm."

So far, the White House has not backed off. One official dismissed Lott's objection as anger over the fact the amendment may now lose. "He thought he was going to have a free ride and now he sees Secretary Rubin is going to use whatever influence he has to oppose it." The official suggested Lott's threat of noncooperation on other issues is hollow. Republicans learned in 1995 and 1996, the official said, that this "is not a good strategy politically or substantively." Meanwhile, Clinton's public position has hardened. "I just think [the amendment] is a bad idea," he told the *Washington Post* on January 17. "And I have no problem being against it. I don't know if we can defeat it, but I'm going to do what I can."

LOTT WENT OUT OF HIS WAY TO TRASH TREASURY SECRETARY RUBIN ON *MEET THE PRESS.* "DID YOU GET MY MESESAGE?" LOTT THEN ASKED HIM.

The position of Rubin and Panetta is even tougher. "We have to do everything possible to prevent this from becoming law," Rubin declared at a Washington breakfast on January 16. In his testimony the next day, he claimed the amendment "could turn slowdowns into recessions and recessions into more severe recessions or even depressions . . . and seriously increase the risk of default on the national debt." Also, it could prompt "temporary cessation of all federal payments," including Social Security and Medicare.

Lott blames Panetta, who stepped down as White House chief of staff on January 20, more than Rubin for turning Clinton around. Indeed, though the press has lauded Panetta as an effective negotiator and budget hawk, Republicans think he is neither. They regard him as hyper-partisan and blame him for the breakdown in budget talks in 1995. Panetta took a parting shot at Lott on *Face the Nation* just before Clinton's inauguration. "Trent Lott doesn't need to change the Constitution in order to get a balanced budget agreement" with the president, he said. The amendment is merely "a gimmick . . . a cover for not facing the tough decisions you've got to face when it comes to balancing the budget." Lott preferred the milder opposition ("We don't think it's right to muck around with the Constitution") voiced by Panetta's replacement, Erskine Bowles. Unlike Panetta, Bowles is "somebody we can work with," Lott said.

Rubin, far more liberal and partisan than his centrist image, is another story. Lott went out of his way to trash Rubin on *Meet the Press* on January 19. Rubin's criticism of the balanced budget amendment is "really unfortunate," Lott said. "He was really hysterical. I was very disappointed in him." Just after Clinton's swearing-in the next day, Lott encountered Rubin at the Capitol luncheon honoring the president. "Did you get my message?" Lott asked. "Loud and clear," Rubin answered, noting that he remains opposed to the amendment. "Just be careful how you talk about it," Lott said, "because everything is related around here." And any time you cross Lott, there's a price to pay.

Executive Editor Fred Barnes is a regular host of "Fox on Politics" on the Fox News Channel.

SEDUCE THE SEDUCER

by David Brooks

HAVE YOU EVER SEEN A PRESIDENT so hungry for a notable place in history? Bill Clinton can't stop talking about how history will regard him, as if he wants the affection of future generations as cravenly as he seeks the love of his own.

Well, if he wants love so badly, the least the Republicans can do is give it to him. For if there is one thing the past few years have taught us, it is that if Republicans hand Bill Clinton political victories, he will hand them policy victories. If Republicans make Clinton look historic, he will come a long way toward

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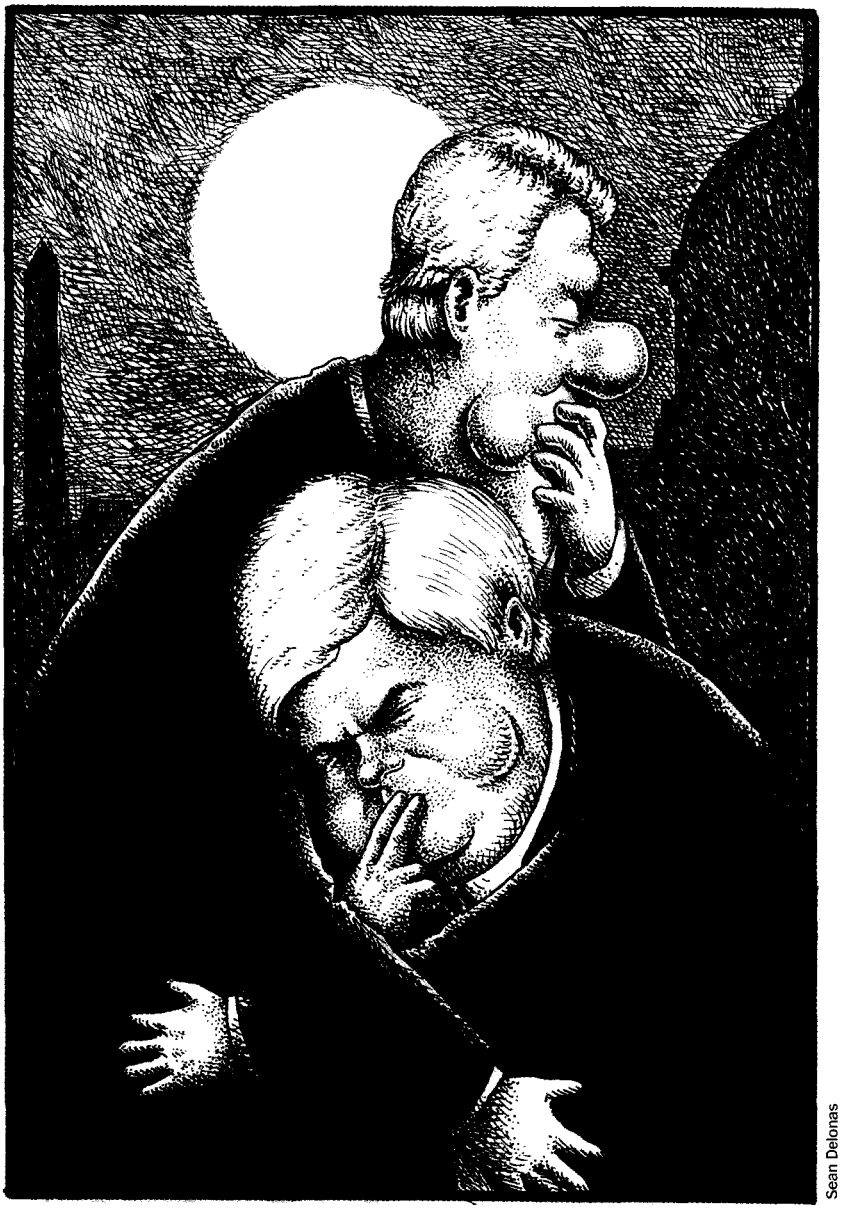

Sean Delonas

adopting their positions. If they allow him to appear statesmanlike and above the fray, he will undercut the congressional Democrats much of the time. In short, if Republicans can give Clinton a stab at eternal popularity, he will ratify conservative beliefs ("The era of big government is over") and moderately advance the conservative agenda.

This seduction strategy does not come easily to Republicans. The congressional leadership genuinely does not like the president. They're still angry about his campaign against their Medicare savings plan, and they know they can never trust him. Moreover, they are, like all politicians, partisans.

They are accustomed to thinking about politics as a warlike (or at least football-like) struggle. *Stay on offense. Pound the other guys. Play tough. Clinton is the enemy.*

But that strategy won't work over the next few years. The Republicans tried to beat Clinton into submission in 1995, but the power of the presidency is simply too strong. It's hard for a congressional party to intimidate a president in the best of circumstances. And given the current media environment, Bill Clinton's political skill, and Newt Gingrich's unpopularity, it's foolish to think the Republicans can consistently beat Clinton in head-on battles.

But the last thing this Rushmore wannabe wants is four years of deadlock, because that would limit his "historic" achievements. So let the Republicans offer him four years of historic accomplishments—on the model of the welfare-reform bill. That would allow Clinton to go down in history as the man who modernized the Democratic party and began to reshape government.

The Republican response to Clinton's new Medicare proposal is a small step in the right direction. Last year, some of you may recall, the Republicans and Clinton shut down the government in large part over the size of Medicare cuts. The AFL-CIO went ballistic, launching its radio and TV blitz. Grannies would be thrown from their beds.

But now Clinton doesn't want a fight. He wants a historic accomplishment—a budget agreement that will end the deficit. So he has proposed slowing the growth of Medicare by $138 billion over six years—a slowdown exactly halfway between his proposal in 1995 and the Republican proposal.

This time the liberal groups seem to be going along with the Clinton cuts with nary a peep. And the GOP leaders have accepted the offer as a first step, as they should.

There are many other policy areas in which Clinton could be given lavish credit for pushing moderately conservative reforms. On taxes he could be the author of tax reductions for education and capital

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gains (the Republicans have been trying to get the latter for a decade with no success). Clinton seems amenable to some act that would encourage adoption in place of abortion, and he would like some face-saving compromise on partial-birth abortion.

None of these measures sets conservative hearts racing, and some would be morally offensive to them: A Clinton-friendly partial-birth abortion bill would have huge loopholes. But they would set precedents (in this case that some sort of abortion should be illegal) and defrost opposition to more ambitious reforms that could come down the road. Moreover whenever Clinton signs up for moderate reforms, the Left grows strangely silent. They've come to believe their own propaganda about how evil the Republicans are. They're terrified of splitting the Democratic party lest it produce even a short period of Republican dominance. Without Clinton, the Republicans could never devise such an effective way to silence liberal opposition.

There are bound to be black-and-white disputes in which confrontation is the only strategy—on the balanced budget amendment, for example, which Treasury secretary Robert Rubin is committed to opposing. But on matters amenable to compromise, the Republicans should be able to sweet-talk the president into climbing into the conservative bed. Clinton is no longer the enemy. If you want him to adopt your policies, give the man a little love.

Senior Editor David Brooks is a commentator for National Public Radio's "All Things Considered."

Bibi's Pen Pals

by Bill Gertz

When three one-time secretaries of state and three one-time national security advisers who served under different presidents in different parties act in concert, it makes news—especially when they do something right in the middle of one of the few newsworthy foreign-policy events in the last year. On December 14, Benjamin Netanyahu was sent a letter warning that Israel's policy on Jewish settlements was endangering two decades of "progress" in the Arab-Israeli peace talks. There were eight signatories, including former secretaries of state Vance, Baker, and Eagleburger, as well as former national security advisers Scowcroft, Brzezinski, and Carlucci. Not to mention Robert Strauss and Richard Fairbanks.

THE CRITICAL LETTER TO NETANYAHU WAS SURELY THE MOST INFLUENTIAL ACT OF RICHARD FAIRBANKS'S CAREER. SO JUST WHO *IS* HE?

Who?

When you see an obscure name among more recognizable ones, it's certain there's a story somewhere. And the story here is about Richard Fairbanks. He and Strauss were both State Department negotiators on the Middle East, Fairbanks during the early Reagan years. It turns out that he was the chief instigator of the letter, which caused a ruckus upon its release. He drafted it and rounded up the other signers after a discussion with Baker, who as George Bush's secretary of state was noted for his deep antipathy toward the Israeli government then headed by Netanyahu's Likud-party predecessor, Yitzhak Shamir.

The letter was an unprecedented event, and its purpose was evident: to signal elite American displeasure with the Netanyahu government. Dennis Ross, who has been Middle East envoy both for this administration and for the Bush administration and is very close to Baker, did see the letter before it was sent. The fact that it was still sent may indicate Ross's support for this extracurricular effort to pressure Netanyahu.

The letter-organizing effort raised suspicion in the breast of at least one former secretary of state: George Shultz. "It appeared to be a Palestinian effort to drum up feelings against Netanyahu," says a former State Department official Shultz consulted on the letter. "My experience is that I've seen this two or three times in the past, where Palestinians pick up an issue with the idea of stirring up feelings against Israel, and that leads to violence. This smelled like that kind of thing." Indeed, rioting broke out on December 23, shortly after Arafat distanced himself from the Hebron negotiations.

The letter was surely the most influential act of Fairbanks's public career. So just who *is* he? "Fairbanks hadn't been heard of in years on Middle East issues," says the official.

Maybe he was lying low. Fairbanks, who could not be reached for an interview, is now associated with the Center for Strategic and International Studies in

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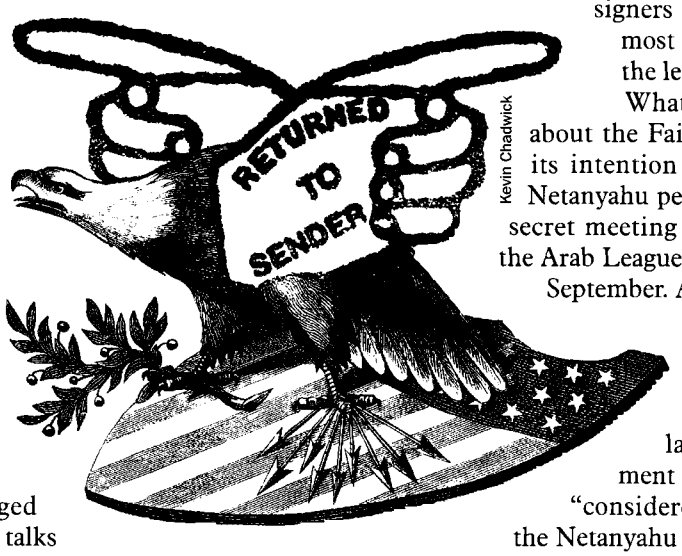
Washington, but CSIS's official biography of him omits his role as a registered lobbyist for the government of Iraq between 1986 and 1990—right up to the time when Saddam Hussein invaded Kuwait and precipitated the Gulf War. He said that he dropped Baghdad as a client because "I didn't like the direction [in which] I saw [Iraq's] policy going; I didn't feel comfortable." Fairbanks and his law firm received over $300,000 from Hussein's government. How exactly is it that someone linked so closely to what is now seen as one of the world's vilest states could serve as an honest broker in sensitive Middle East diplomacy?

Shultz (who declined comment) refused to sign the letter; he disagreed both with its timing and its view of the settlements. Alexander Haig also declined to sign, as did Henry Kissinger, who said in a television interview that an open letter to the Israeli prime minister was the wrong way to handle such an issue.



Kevin Chadwick

For the Israeli government, of course, the letter could not have come at a worse time. Netanyahu and Arafat were locked in tense talks over the timetable for Israel's redeployment from Hebron. Instead of spurring Israel, the letter emboldened Israel's opponents and encouraged Arafat to back off from the talks and hold out for more concessions. The letter expressed "concern" that unilateral actions by Israel, "such as the expansion of settlements," would scuttle the original Hebron agreement and "halt progress."

A week before the letter was released, the Israeli government restored financial incentives for Jewish settlers on the West Bank. Netanyahu promised when he announced the policy that there would be no new settlements until the status of the West Bank was negotiated with the Palestinians. After the letter appeared, President Clinton labeled Israel's settlements policy an obstacle to peace, and in so doing reversed his administration's practice of offering only muted criticism—the State Department had been limiting itself to calling the settlements "unhelpful."

According to Eliahu Ben-Elissar, Israel's ambassador to the United States, the eight Americans were jumping on board an anti-Israel "coalition" that includes French president Jacques Chirac and Russian foreign minister Yevgeny Primakov. Ben-Elissar says the eight were besieging Israel at a crucial time in the peace talks, and he also suspects the letter was a publicity stunt. It was never actually delivered—only faxed to Netanyahu's office in Jerusalem and the embassy in Washington, with no signatures and no indication of who had actually sent it. Copies were sent simultaneously to news organizations, including the wire services and the *New York Times*. "Maybe the whole thing was intended for the press," Ben-Elissar says. "It was a very strange way to address a prime minister by such personalities on such an issue."

Furthermore, the letter was released as Israel was burying a mother and child killed by Arab gunmen in a drive-by shooting. "I resent it," says Ben-Elissar. "It was not the right time." Netanyahu spokesman David Bar-Illan observes that the letter-signers "were known as not the most friendly to Israel, to say the least."

What may be most striking about the Fairbanks letter is the way its intention to isolate and criticize Netanyahu personally was echoed in a secret meeting held on the margins of the Arab League summit held in Cairo in September. According to a U.S. intelligence report labeled "Top Secret" that was circulated to senior policymakers last year, Arab government ministers at the meeting "considered ways to bring down the Netanyahu government by reaching out to Israel's 'peace majority' and isolating" Netanyahu. "The ministers discussed measures to freeze relations initially and then roll back normalization; Syria, the Palestinians, Lebanon and Tunisia supported this approach," the report notes. It concludes: "Though Arab ministers probably realize they have little chance of bringing down Netanyahu, their discussions are a sign that they have all but written him off as a peace partner."

The role of former statesmen should be to guide American policy and to offer advice to those leading the government. It should not be to fire off warnings to allies who are in the middle of extraordinarily difficult, highly consequential negotiations. One hopes that the letter will end up merely as an unpleasant footnote in the history of the talks between Israel and the PLO.

***Bill Gertz is defense and national-security correspondent for the* Washington Times.**

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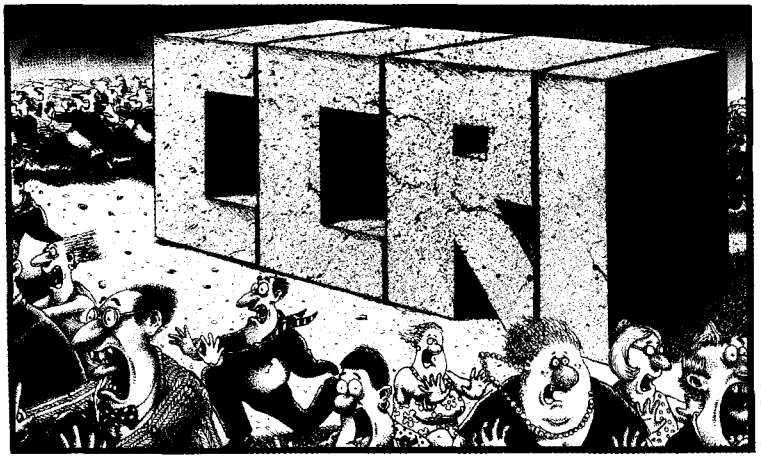
THE NUANCE EXCUSE

by Thomas Sowell

ONE OF THE CURIOUS THINGS about the bitter battle over preferences and quotas that came to a head in the California Civil Rights Initiative is how many critics of affirmative action were missing in action when the issue faced its first test at the ballot box. After the fight was won without them, we could say to them what Henri IV said, after a great victory in battle, to one of his followers: "Hang yourself, brave Crillon; we fought at Arques and you were not there."

Among those who were not there were Nathan Glazer, John H. Bunzel, and Glenn Loury, all critics of preferences and quotas for many years. Their reasons for not supporting the principle of equal treatment for all when high noon rolled around were curious, at best.



Sean Delonas

Bunzel, for example, argues that we should determine "the relevance of race that falls between 'none at all' and 'too much.'" Isn't that a lovely thought? And a lovely principle for a law? Imagine taking down highway signs that say "65 mph" and replacing them with signs warning against "too much" speed.

Apparently it was because of its "moral simplicity" that Bunzel, writing in the *Los Angeles Times*, "found the ballot initiative so troublesome." He preferred a "nuanced response" rather than a "blunt instrument."

Unfortunately, nuanced nonsense is still nonsense. Government itself is a blunt instrument. That is one of many reasons for opposing expansions of its power. Expecting nuanced government is like expecting a dry ocean.

Then there is the old familiar moral equivalence argument, which some might have thought—or hoped—had vanished with the Cold War: "I would even suggest that CCRI is as blunt an instrument in trying to confront these excesses as affirmative action itself has often been in trying to use race to overcome racism."

And for those who are true nostalgia buffs, Bunzel has this: "What do we put in its place?" Is there any greater confession of bankruptcy than this rhetorical question? When firemen put out a fire, what do they put in its place? When a surgeon removes a cancer, what does he put in its place? Perhaps the people who backed out of joining Gary Cooper when he confronted the bad guys in *High Noon* should have asked: After you have shot these gunmen, what will you put in their place? But perhaps they were not nuanced enough for that.

Nathan Glazer at least tries to defend some form of affirmative action in substance in a recent piece in the *New Republic*. How well he does it is another question. To Glazer, the bottom line is that "the end of affirmative action means facing the prospect that the number of African American students accepted into selective colleges would drop from 6 to 7 percent to around 2 percent." This in turn means that "the predominant pathway to well-paying and influential jobs for blacks would all but disappear."

Does this mean that blacks—or anyone else for that matter—cannot make it without having been to the Ivy League and the like? It would be fascinating to see the empirical evidence behind this breathtaking conclusion. Surely a scholar of Glazer's stature knows about the staggering attrition rates of black students in institutions with which they are mismatched. This is not a formula for success, but a way to create artificial failures out of people who already have the ingredients of success in some other setting.

In addition to all the explicit failures, there are the hidden failures, like the students who could have carried out their original intentions to major in a field that offered them some real prospects after graduation, but ended up having to take ethnic studies or some other drivel in order to get enough easy grades to survive at a college where they are in over their heads.

Moreover, even those black students who meet the same standards as their white classmates and earn good, legitimate grades in serious subjects end up

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graduating under a cloud of suspicion because of all the double standards that have corrupted academia. None of this sounds like the royal road to money and power Glazer talks about.

Perhaps the most amazing conclusion Glazer reaches is that getting rid of preferences and quotas would have "damaging consequences for race relations." Where has he been all these decades while affirmative action has been creating enormous ill-will among whites in general and serving as a golden recruiting issue for hate groups in particular?

Indeed, wherever Glazer may have been—in India, Australia, Malaysia, or Sri Lanka—preferential policies have a proven track record of creating polarization. Why would anyone think that it is not going to be the same here, when there is evidence all around that Americans are sick and tired of this stuff?

Also in the *New Republic*, Glenn Loury says that, if he were a California voter, "I would probably vote 'yes' on CCRI—but with reservations." Alas, I have never seen a voting machine that offered a choice of "Yes—but with reservations." Even Congress and the Supreme Court must ultimately vote up or down.

The fact that government is a blunt instrument is an excellent reason for getting it out of the race business. That is precisely what the California initiative was about—getting the state government out of the business of preferences and quotas. Private individuals, private institutions, and the federal government could do whatever they wanted to—nuance to their heart's content.

Loury's objections are somewhat diffuse, but in the end he proclaims himself someone "more interested in seeing social justice done than in hewing to an ideological line." We all know what an ideological line is, but none of the innumerable individuals who passionately proclaim "social justice" seems to consider it necessary to define what that means. All justice is inherently social. Can anyone be just or unjust on a desert island?

Loury comes closer than most by saying: "The disparities in life chances of a black versus a white or Asian youngster born today into households of similarly modest means in South-Central Los Angeles constitute a social justice problem with a racial dimension."

Does this mean that differences in life-chances at birth must be due to factors external to the individual, or to the culture in which he grows up, and hence constitute discrimination—however subtle, covert, or difficult to trace? Or does it not matter whether the differences are internal or external? Loury's examples are all examples of externally caused differences in prospects.

History, however, shows enormous differences in performance between people with different cultural heritages even when they are physically indistinguishable. Scottish lowlanders have differed from Scottish highlanders, not only in Scotland but in the United States and Australia as well. Sinhalese lowlanders and Sinhalese highlanders have differed greatly in Sri Lanka. I could exhaust the reader's patience before exhausting all the other examples. What Bunzel, Glazer, Loury, and many other intellectuals seem unwilling to face, on this and other issues, is that we can make our choices only among alternatives actually available. Of course it would be wonderful to have a sweeping spectrum of innumerable possibilities, smoothly blending into one another, so that we could pinpoint just where we would like to be in that great firmament across the sky.

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Meanwhile, back in the real world, we have to make our choices among the options actually available through the blunt instrument of government. And we have to be able to stand up to the kind of moral intimidation that reached fever pitch in the battle over preferences and quotas in California. Strangely, none of these writers mentioned that as a factor.

Thomas Sowell is the author, most recently, of* The Vision of the Anointed *(BasicBooks).

THE TRUTH ABOUT NEWT'S CLASS

by William Tucker

THE ARGUMENT THAT NEWT GINGRICH deserved his reprimand and $300,000 fine because he used tax-exempt money to fund a college course at Reinhardt College is based on the idea that the course was actually "political"—that Gingrich taught the course to further specifically partisan aims. I am one of the only people in the world who have actually sat through every minute of "Renewing American Civilization," and I can tell you, or the ethics committee, or David Bonior, or Al Hunt, or anybody who wishes actually to know the truth instead of posturing, that the premise is absurd.

In March 1995, I signed on to co-author Gingrich's book *To Renew America*. We had about three months to write the book. In trying to find my way into Newt's mind, I sat through videotapes and read transcripts of the entire 10-week course. As an exercise in preparing to write a political manifesto, it was essentially useless. "Renewing American Civilization" was barely about politics itself, let alone *partisan* politics. It was about history. Gingrich's views about America were summed up in the first lecture: "American civilization, when you compare it to other civilizations, has certain very positive characteristics. It has empowered more people from more backgrounds to pursue happiness. If I were to summarize it into one phrase, it would be that America is a great country with good people."

The course did not always stay on such a lofty plane. One homework assignment (patterned after Peter Drucker) asked students to write down everything they did for a week to see how much time they wasted. Another involved listing ten things students would tell an immigrant to learn on arriving in this country. ("Drive a car" and "open a bank account" were some of the more interesting responses from the students, most of them older people who had returned to college.) A large portion of time was spent discussing the futurism of Alvin (*Future Shock*) Toffler and his wife. The course reading list included selections from Tocqueville, *The Federalist Papers*, and *Building a Community of Citizens* by Don Eberly.

But as for partisan politics, there is none. None. The speaker played and praised a lengthy recording of Franklin Roosevelt's speech announcing the D-Day invasion. He spoke favorably of John F. Kennedy and cited "a very heroic effort launched by [former] President Carter," the Atlanta Project, as a model for civic virtue. Most important, there is not a single word in the ten lectures disparaging the Democratic party or praising the Republicans. Indeed, I challenge anyone to find a single word in the 20-hour course that constitutes "partisan politics."

If I had to pick an example of a member of Congress using a tax-exempt forum for promoting a political point of view, I would point to Daniel Patrick Moynihan's 1985 Godkin lectures at Harvard's Kennedy School of Government. Moynihan used that forum to introduce the idea that children were the nation's "new poor," the way the elderly had been in the 1930s. His proposed solution was to make children special beneficiaries of the state in the same way that the elderly were given government pensions under Social Security.

Moynihan's presentation obviously had enormous impact. It was published almost word for word as an influential book, *Family and Nation*. The lectures also served as the foundation for Moynihan's largely unproductive attempt at welfare reform—the Family Support Act of 1988—and formed the bulwark of his opposition to last year's far more successful effort, the Personal Responsibility and Work Opportunity Act of 1996.

Yet would anyone seriously call Moynihan's Godkin lectures "partisan politics" and start subjecting the Kennedy School and the Godkin Fund to investigation, reprimand, or censure from the Senate or the IRS? That would be a complete misrepresentation. Moynihan is an intellectual, a former college professor, and obviously loves dialogue and the play of ideas. So does Newt. If Newt Gingrich is to be smeared for teaching a course at modest Reinhardt College, then let's start investigating Moynihan and Harvard as well.

William Tucker is a writer living in Brooklyn.

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THE ROAD FROM HEBRON

Benjamin Netanyahu's Subtle, Tenuous Achievement

By Charles Krauthammer

I

Yasser Arafat has now sold Israel the same rug a fourth time. In the Hebron agreements just signed with the Likud government of Israel, he has promised to change—really, truly change this time—the Palestine National Charter that calls for the destruction of Israel. The chronicle of this multiple sale—a near-farcical tale of sleight of hand and gullibility—is a microcosm of the Middle East peace process.

In September 1993, Arafat promised in a letter that was part of the original Oslo accords to change the charter. He didn't.

In the Oslo II accords of 1995 in which Israel took upon itself withdrawal from all the cities of the West Bank, he promised it again. He then did nothing.

In the run-up to the Israeli elections of May 1996, when Shimon Peres desperately needed to show Israelis that they had gotten something more for Oslo than blown-up buses, Arafat convened the Palestine National Council and got it to pass a resolution that the world hailed as a momentous change of the charter. A deluded (I prefer this adjective to the alternative, which is "cynical") Peres called it "the most important ideological change in this century."

It was, of course, nothing of the sort. In fact, it was nothing more than a restatement of Arafat's original pledge in his 1993 letter to change the charter in the future—but without actually changing it. A committee was set up to report back with the changes in six months. The six months were up October 24, 1996. Silence.

And now, sale Number 4. With the Hebron accords, the "Note for the Record" drawn up by U.S. special Middle East coordinator Dennis Ross lists changing the charter as one of the commitments the Palestinians will be required to carry out under the Hebron Protocol.

That American document sets out three other items that the Palestinians have not carried out that they are now required to: extradition of terrorists and dismantling of the terrorist apparatus; reduction of their armed forces to the 18,000 agreed to in Oslo (they now have about 40,000 soldiers); and dismantling of offices outside of their territory (meaning their illegal offices in Jerusalem).

Is this not simply more of the same? Netanyahu campaigned on the promise not to destroy Oslo but to make it truly reciprocal. He promised to get something in return for Israel's myriad concessions. With Hebron, he may claim that he got reciprocity. But in fact what he got is yet another *promise* of reciprocity. Was Netanyahu, like his much-scorned predecessors, simply taken in? What did he really get?

II

In writing about the Israeli election in THE WEEKLY STANDARD, I suggested that, since reciprocity was the cornerstone of Netanyahu's peace platform, he might start by offering to fulfill the Hebron withdrawal in return for, say, a changed Palestinian charter. This would have been true reciprocity: a real move by the Palestinians in return for a real move by the Israelis.

For the first months of his administration, Netanyahu was indeed looking for something of the kind. He began by going slow on Hebron, trying to see what he could get in return. But this policy proved impossible for a simple reason: World reaction to Netanyahu's election was such that he could make no demands. Condemned as an unreconstructed nationalist—and worse, as usurper of the slain Rabin—he was on trial. Any demand he would make of Arafat would be seen as an act of bad faith, a tactic to destroy Oslo on the *pretext* of reciprocity.

Arafat charged that Netanyahu's go-slow strategy

Charles Krauthammer is a contributing editor of THE WEEKLY STANDARD. *His previous articles about Israel include "Bibi's Tunnel, Yasser's War" (Oct. 14, 1996) and "Why Bibi Won" (June 17, 1996).*

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on Hebron betrayed Netanyahu's true feelings about (i.e., rejection of) Oslo—and the world agreed. The Jerusalem tunnel riots sealed the fate of Netanyahu's go-slow policy: After first justifying their violence on the grounds of Israeli violation of Islamic holy places, the Palestinians (faced with the fact that there was no such violation) quickly changed tack and admitted that their real grievance was Netanyahu's stalling on Oslo. When the world—and, crucially, the U.S. government—seemed tacitly to accept this as a legitimate justification for a mini-war, the conclusion was clear: Netanyahu's drive to begin his administration by demanding reciprocity could not continue.

Before he would be in a position to demand, let alone collect, anything, Netanyahu had first to sign onto the dotted line of Oslo. That he did with the Hebron Protocol.

And that is the meaning of Hebron: Reciprocity starts now, if it is to start at all.

How? Under the Hebron Protocol, Netanyahu promised to carry out the three further West Bank withdrawals that the Labor government had promised in Oslo II. Astonishingly, the Labor government committed Israel to give up most of its bargaining leverage—West Bank acreage—*in advance* of final-status negotiations that will determine Israel's final borders and the fate of Jerusalem. It was crazy. But that is what Labor did. And this is what Likud was obliged to reaffirm.

HAVING PROVED HIS *BONA FIDES* BY GETTING LIKUD TO SIGN ON TO OSLO, NETANYAHU WILL NOW HAVE TO SHOW THAT RECIPROCITY HAS TEETH.

But having now officially committed his government to Oslo, Netanyahu has bargaining chips of his own. Each of these redeployments, scheduled to occur in stages between March of this year and May of next, will be up to Israel. Israel will determine their extent. And, more important, Israel will have to determine whether the Palestinians have lived up to enough of their own commitments to justify Israel's making yet another irrevocable concession.

Netanyahu's commitment to reciprocity will now be tested. If Arafat does not carry out his commitments, Netanyahu must be prepared to suspend redeployment. If he doesn't, if he just complains about the lack of reciprocity, he will be reenacting the very supine unilateralism he so savagely condemned in Peres.

Having proved his *bona fides* by getting Likud to sign on to Oslo, Netanyahu will now have to show that reciprocity has teeth. Arafat will now see whether or not he really will be obliged to carry out his side of the bargain. The Hebron agreement is, in reality, a gateway to the really hard test of wills to come.

III

It is quite obvious what the Hebron agreement gave the Palestinians. With the last and most vital West Bank town under their control, 90 percent of the Palestinian people have been relieved of occupation and now live under PLO rule. Moreover, Likud has signed on to the Oslo process. And Arafat has found that his own stalling cost him nothing in world public opinion, nor did it incur a price from the United States, which retained its neutrality throughout the negotiating process.

What did Israel gain? First, as noted above, the right to press for reciprocity. But for the right to have meaning it must involve the United States, the ultimate arbiter in the region. Hence Netanyahu's second, rather subtle, achievement: enmeshing the United States once again in the Israeli-Palestinian peace process.

Normally, this would be considered a setback for Israel. In negotiating with Arabs, Israel has always fought to rid itself of mediators. Generally, it is the Arabs who prefer an intermediary. They eschew face-to-face negotiations both to symbolize their fundamental non-acceptance of Israel (as Syria tried to do with Warren Christopher throughout the first Clinton administration) and to bring American pressure on Israel.

How does this work? The United States is naturally less interested in the details of any agreement than in the diplomatic triumph that comes with its very achievement. Hence any process in which the United States is deeply involved would by its very nature impel the American government to put pressure for concessions on whatever side it could in order to get a deal, any deal. And because Israel is so much more dependent on America than the Arabs are, that side—the pressured side—invariably turns out to be Israel. QED.

That is why the Arabs have always insisted on elevating the American role. And that is why some commentators, working on analytic autopilot, think American reengagement in Oslo is a setback for Israel.

Not this time. In the current state of Israeli-Palestinian negotiations, American arbitration has become crucial for Israel.

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For the fundamental flaw with Oslo is that till now it has been a one-way street. As Netanyahu puts it, "collective bargaining has become 'Israel bargains and the Palestinians collect.'" At first, it didn't matter because the Labor party was not interested in collecting. Labor did not even publicly object to such rank Palestinian violations as the bloated size of their army and their refusal to change the PLO charter. Peres was a peacemaker in a hurry. He was not about to let such details slow him down. This willful ignorance was one part cynicism and nine parts utopianism: Labor believes that giving up the West Bank and Gaza is a net plus for Israel *regardless of whether the Palestinians give anything in return* because it lifts from Israel the moral and physical burden of ruling a foreign people. If withdrawal is in and of itself in your interest, why bother with reciprocity?

Likud did not see it that way. And, as the 1996 Israeli election proved, neither did a majority of Israelis. They believe that naked withdrawal is a net minus, a serious weakening of Israel's military and strategic position. Moreover, they see a one-way giveaway as a historic opportunity squandered. If these lands, so precious to Arabs and Israelis, are to be given to the Palestinians who desperately want them, only a fool would give them away for free.

AS PART OF THE HEBRON ACCORDS, THE UNITED STATES PLEDGES TO "HELP ENSURE THAT ALL OUTSTANDING COMMITMENTS ARE CARRIED OUT."

Netanyahu's project is to get payment. The problem is: how? The answer is: through the Americans.

The Hebron Protocol goes on for pages in almost comical detail about security arrangements in the city of Hebron. Americans are deeply entwined in these details—having promised, for example, to unilaterally rebuild Al-Shuhada Street down to the installation of lampposts, litter baskets, planters, and "a new storm drain system (if appropriate)."

These security arrangements were the focus of most of the world attention on the Hebron accords. They are almost totally irrelevant. In the end, the security of the Jews in Hebron will depend not on this or that provision of the protocol but on the state of Israeli-Palestinian relations.

The really important part of the Hebron accords has nothing to do with Hebron. The really important part is the "Note for the Record" drawn up by Dennis Ross. It has a section called "Palestinian Responsibilities" which restates all the promises the Palestinians have failed to carry out: changing their charter, dismantling the terror apparatus in the territories, keeping their police under a ceiling of 18,000, and closing their offices in Jerusalem. Moreover, an accompanying letter from Secretary of State Christopher pledges the United States will "help ensure that all outstanding commitments are carried out by both parties in a cooperative spirit and on the basis of reciprocity."

The United States has thus ratified in writing the central plank of Netanyahu's revision—one might say, interpretation—of Oslo: reciprocity. Now, this just might be semantics. The United States may in fact do nothing to ensure reciprocity on the part of the Palestinians. But by issuing these documents as part of the Hebron agreement, the United States has issued Netanyahu a claim against it.

He can now go to an American president and say: I pulled out of Hebron. I signed on to Oslo. I dragged my coalition kicking and screaming into acceptance of Oslo. And I did it for one thing: to get you to recognize the legitimacy of my demand for reciprocity. You gave it to me. Now I'm going to hold you to it.

Why is that important? Because when Arafat inspired the tunnel riots and broke the fundamental Oslo pledge of non-violence, he implicitly claimed he was justified because he was unhappy with progress in the peace process—and the United States said nothing. It did not issue a word of chastisement for this egregious breach of Oslo.

Now, after the "Note for the Record" and the letter from Christopher, Israel can next time legitimately claim that the United States has committed itself never again to countenance such unilateral flouting of Oslo on the part of the Palestinians.

It is only a claim, critics of the accords may say. That is true. But Israel has no other lever. The Arabs, the Europeans, the rest of the international system exert zero pressure on Arafat. If anything, they confirm him in his unilateralism. Only the United States can offer countervailing pressure. With the Hebron Protocol, it promises to do so. In the delicate balance of wills that is the next stage of the peace process, this is a card Israel will crucially need.

IV

If the second achievement of the Hebron agreement was the Americanization of reciprocity, the third had nothing to do with the Americans and nothing to do with the Palestinians. Yet it is the most important

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of all: banishing the prospect of a civil war among the Jews of Israel.

This is not hyperbole. With Labor proceeding headlong down its path of unilateral withdrawal, that prospect was becoming real. As Natan Sharansky, minister of industry and trade, put it: "Unlike our predecessors, we understand that the peace process requires that we represent not just half of the Israeli spectrum, but rather all Israelis."

The Hebron agreement was historic for Israel. It was the first time that Likud agreed to give up a piece of *Eretz Yisrael*—the land of Israel. Netanyahu not only signed on to Hebron. He got a majority of his rightist coalition to sign on as well. And he brought the majority of Parliament along with him.

Kent Lemon

Remember: Netanyahu may have campaigned personally as one who would retain Oslo while making it more reciprocal, but this was not the unanimous view of Likud. There are many in Likud and, more generally, on the Israeli right who view Oslo as so fundamentally flawed that it needs to be rejected at whatever cost.

Netanyahu recognized that the cost of this approach would have been far more than Israel could bear. He then proceeded to bring his half of Israel into the peace process. Signing Hebron meant retroactively signing Oslo, and Netanyahu got his "national camp" cabinet to sign, 11-7. In the Knesset, he got his own Likud party to vote more than 2-1 in favor. When Menachem Begin brought Camp David back to the Israeli parliament in September 1978, almost half the Knesset members of Begin's own Herut party failed to support him.

Netanyahu's Knesset passed the Hebron-Oslo deal by a *larger* majority than Camp David received in 1978. And Camp David gave away Egyptian sand; the Hebron Protocol gave away Judaism's Medina, its second holiest city.

With Hebron, Netanyahu managed to bring most of the nationalist camp of Israel to recognize that Oslo is a fact. He made his own promise to honor it the official policy of a government of the right.

The importance of this for Israeli national unity cannot be underestimated. The great sin of the Labor party in pushing through the Oslo accords was not that it risked land for peace. Land for peace is an arguable strategy; history will judge its wisdom. But we can already judge the unwisdom of forcing such radical, fundamental, existential change on a country with the razor-thin majority that Labor had in the parliament and in the country.

In the United States, merely passing a treaty requires two-thirds of the Senate. Rabin and Peres proposed giving up Israel's patrimony and its most vital strategic assets with a majority of one vote (!) in the Israeli parliament. Half of Israel was truly disenfranchised by Oslo. It had reason to feel betrayed. Had Peres continued unilaterally, he *would* have brought the country to the brink of civil war.

In retrospect, Netanyahu's election was the best thing that could have happened to the peace process. He has turned it from the policy of 51 percent of Israel to the policy of 75 percent. For Oslo to do anything other than tear apart the Israeli body politic, it had to be entrusted to a skeptic who would carry it out nonetheless. It is a cliché that only Nixon could go to China. Netanyahu's going to—from—Hebron is an even larger act. After all, China policy never touched on the fundamental existence of the United States.

As de Gaulle showed in Algeria, peace is best made by the Right. Only Begin could have made peace with Egypt. Only Likud can make peace with the Palestini-

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ans—if there is a peace to be made.

With 75 percent of Israel behind him, Netanyahu can proceed to test that proposition as Rabin and Peres could not. Netanyahu's achievement is the creation of a mandate for the tough, reciprocal peace process that he has demanded. It is now up to him—and the United States—to make that mandate more than just the paper promise of Hebron. ♦

With Malice Toward Clinton

By Andrew Ferguson

For many days leading up to its actual delivery, the White House staff took pains to keep a waiting nation informed of the president's preparations for his second inaugural address. The president, we were told, was drafting and re-drafting, night after sleepless night, greeting the dawn. He read poetry—Seamus Heaney, guys like that—to refine his sense of cadence. He pored over William Safire's *Lend Me Your Ears*, an eccentric collection of speeches that places Pericles and Pitt the Younger alongside Daniel Schorr and Eric Sevareid. He immersed himself in the second inaugural addresses of other presidents (he judged Lincoln's good).

How odd it was, then, that the product of all this deliberation and study, the Second Inaugural Address of William Jefferson Clinton, elicited a reaction so indifferent after it was finally offered up on January 20. Even the president's friends were caught shrugging. "A fairly non-substantive speech full of platitudes," said Margaret Carlson of *Time*. "While it lacked great passion or memorable phrases, it was filled with noble intentions," said Tom Brokaw, himself a sure hand with a platitude. "Not eloquent," said CNN's William Schneider. "Distinctly earthbound," the *New York Times* editorialized. "Why," cried the *Washington Post*'s Mary McGrory, "would a man willfully choose to make a mediocre speech?"

The question isn't fair, of course, since there's no evidence that the president *chose* to make a mediocre speech, much less a god-awful one. He may have simply been reading too much Eric Sevareid. And while Mary McGrory is correct that the speech was a failure, it was an interesting failure, as the drama critics say. It failed in distinctly Clintonian ways, which alone makes it worth one final walk-through.

The word used by the president's men in describing the speech beforehand was "thematic." As with most Washington euphemisms (*courageous*, *innovative*, etc.), the term in practical usage means the opposite of its dictionary meaning. Thus, a thematic speech is one that has no theme. What the inaugural address did have, however, was a catch phrase. This is important for Clinton, who, as a student of history, knows that a good president needs a good catch phrase—a Deal that is New, Fair, or Square, for example, or a Frontier that is also New, or a Society that is Great, or a Majority that is blessedly Silent.

And so, on the west front of the Capitol, with thousands spread out before him on the national Mall, the president uncorks his phrase. It debuts in the fourth sentence of his inaugural: "Let us set our sights upon a *land of new promise*." The phrase calls to mind other, earlier lands: of Milk and Honey (Exodus), of the Free (Francis Scott Key), of Sky-Blue Waters (Hamm's Beer). But no sooner has the president declared it his own than the land of new promise is swallowed up in confusion by the words that follow. "The promise of America," he continues, "was born in the 18th century out of the bold conviction that we are all created equal." Wait: Is that the *old* promise? Is the new promise different from the old one? And does the old promise still get promised in the land of the new promise? If it doesn't, does that mean we aren't created equal anymore, or. . . .

The president does not dally to answer such questions, for two sentences later something terrible happens to the old promise. "That promise exploded"—yikes!—"onto the world stage"—yuk!—"to make this

Senior Editor Andrew Ferguson was a speechwriter for President Bush.

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the American century." This is a curious account of the American century, with shards of promise dripping from the proscenium of the world stage, but before we can absorb the imagery the president is hauling us on "our march to this new future" (new, as opposed to the old future).

Presumably the new future holds the new promise, although the new promise is as yet undefined. But we can't be sure. The land of new promise, as a rhetorical matter, has vanished. We hear no more of it for another dozen paragraphs. For after starting us on our march into the new future, the president jerks us back to the present.

And the present, as he explains, is a time of intellectual portent. "Once again," he says, "we have resolved for our time a great debate over the role of government." Apparently this happened in the last election, while the rest of us weren't looking. The role of government, of course, is the preeminent question of political philosophy in a free society, and now it's solved. (About time!) Should government do more or less? The president answers it as only he, praise God, can answer it: "Today we can declare: Government is not the problem. And government is not the solution."

Well, that is some declaration, surely. Could you perhaps be more specific? "We need a new government for a new century," he goes on, "a government that is smaller, lives within its means, and does more with less." Fine. But . . . why should it be smaller if it's supposed to do more? "Where it can give Americans the power to make a real difference in their everyday lives, government should do more not less." Check. The president has us right where he wants us. Everyone is thoroughly confused. He went to Yale Law School.

The speech barrels forward. Having limned the limits of government, the president utters the magic words of the New Democrat. We "must assume personal responsibility"—you bet—"for our neighbors and our nation." But wait again. If we have personal responsibility for everyone else, then it's not personal, is it? It's sort of, well, corporate. Collectivist, even. And, not to put too fine a point on it, a little bit commie. But the president is not a commie, needless to say, and he quickly moves us back into the realm of the abstract: "Our greatest responsibility is to embrace a new spirit of community for a new century." That's better. Meaningless is better.

Confusion begets confusion, issuing finally in gibberish. The White House had released photos of the president scribbling away at his speech, recasting sentence after sentence, fine-tuning every word choice. How, then, are we to explain this: "Prejudice and contempt, cloaked in the pretense of religious or political conviction, are no different." Different from what? Does he mean that prejudice and contempt are the same thing when they're cloaked? Are they different from each other when they're not cloaked? *Does the cheese stand alone?*

Before we have time to ponder, he's tossing us back into the land of new promise. "The promise we sought in a new land we will find again in a land of new promise." This is slightly repetitive, but it's nice to be in familiar territory again. And at last the president is getting more specific. In the land of new promise, "our streets will echo again with the laughter of our children, because no one will try to shoot them." This is inarguable. As any parent can tell you, if you don't shoot kids, they laugh like little maniacs.

Many minutes have passed. The president is now winding down. The speech thus far has only been about 1,600 words long, but what words they are! Brawny, hairy-chested words: America strengthens ties, fortifies bonds, faces challenges, embarks on missions, sustains journeys, dares and lifts and fortifies again. And thanks to the toothless meat grinder of his rhetoric, it does all these things in Kennedyesque reverse parallelisms that are as inept as they are annoying: "A nation that balances its budget but never loses the balance of its values." And: "For any one of us to succeed, we must succeed as one America." The president is right: We should not—*we will not*—shoot children. But he makes a very good case for shooting Ted Sorensen.

At last he reaches his peroration, and there, there, is his famous bridge to the 21st century. "Yes," he says, after a moment's pause, signaling a kind of climax, "let us build our bridge!" He pauses again for hysterical applause, assuming that we have been waiting, waiting, waiting for him to mention the bridge. But the applause is merely tepid. Perhaps this is because the bridge he mentions is the bridge to the land of new promise, which may or may not be the same bridge that goes to the 21st century. This is so confusing! And there is one last complication. He mentions the "American promise"—perhaps the old promise about being created equal? No. Now the American promise is a "promise of a *more perfect union.*" Go figure. There's no time to straighten the whole thing out, for with a final pyromaniacal touch—as "America's bright flame of freedom spreads throughout the world"—the president closes.

Ovation *et exeunt.*

But again the ovation is muted, and the reviews

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have only gotten worse as the days pass. And here is the largest failure of the inaugural address, the final Clintonian touch.

The president is an extraordinarily fluent man. Off the cuff, in press conferences and town meetings, and in speeches where he lacks a prepared text, he speaks in parsable sentences and well-tuned paragraphs and rises, occasionally, to a simulacrum of eloquence. But give him a big speech—think back to his nomination of Michael Dukakis in 1988 and work forward through the first inaugural, the State of the Union addresses, up to his self-indulgent victory speech on election night—and he invariably blows the opportunity. He is at his best when he's winging it; he is an improviser above all. He excels in the small moments, but when the large burden is placed upon him, and all eyes turn and every ear cocks to him, he falls embarrassingly short. The problem for him, to paraphrase the Clinton Second Inaugural, is that nothing big ever came from someone so small. ♦

SLAVERY AND THE FOUNDERS

Telling the Truth During Black History Month

By Dinesh D'Souza

February is Black History Month, an especially opportune time to reflect on the role played by African Americans in helping the United States live up to the principles of its founding fathers. And yet since its establishment, black intellectuals, educators, and leaders have seen fit to use Black History Month as a way of attacking the founders and their ideas—to accuse them of creating, from the point of view of blacks and other minorities, what historian Nathan Huggins terms a "model totalitarian society."

Leading black scholars such as John Hope Franklin say the framers of the Constitution were racist because they approved a document in which a black person was regarded as three-fifths of a human being. Others, such as the late Supreme Court justice Thurgood Marshall, charge Washington, Jefferson, and Madison with establishing a regime "defective from the start" because they endorsed the proposition that "all men are created equal" while permitting slavery.

Are the founders guilty as charged?

Let us consider the evidence fairly, beginning with the notorious "three-fifths" clause. To the modern mind, this is the most troubling piece of evidence against the founders. And yet it should not be, for the clause itself has nothing at all to say about the intrinsic worth of blacks. The origins of the clause are to be found in the debate between the Northern states and the Southern states over the issue of political representation.

The South wanted to count blacks as whole persons, in order to increase its political power. The North wanted blacks to count for nothing—not for the purpose of rejecting their humanity, but in order to preserve and strengthen the anti-slavery majority in Congress.

It was not a pro-slavery Southerner but an anti-slavery Northerner, James Wilson of Pennsylvania, who proposed the three-fifths compromise. The effect was to limit the South's political representation and its ability to protect the institution of slavery. Frederick Douglass, the black abolitionist, understood this; he called the three-fifths clause "a downright disability laid upon the slaveholding states," which deprived them of "two-fifths of their natural basis of representation."

And so a provision of the Constitution that was anti-slavery and pro-black in intent as well as effect is today cited to prove that the American founders championed the cause of racist oppression.

There is no question that the Constitution both recognizes and sanctions slavery, which implies that the framers were, as contemporary critics charge, motivated not by enduring ideals of equality but by crass self-interest.

Dinesh D'Souza, John M. Olin fellow at the American Enterprise Institute, is author of The End of Racism.

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That the founders were self-interested men of their time, it is impossible to deny. Thomas Jefferson owned some 200 slaves and did not free them. Yet the case of Jefferson is revealing, for far from rationalizing plantation life by adopting the usual Southern arguments about the happy slave, Jefferson vehemently denounced slavery as inconsistent with justice. Jefferson recognized that blacks were not slaves "by nature," but only by convention. Although he provisionally agreed with the scientific view of his time that blacks were inferior to whites in mental ability, Jefferson expressed his wish that black accomplishment prove him wrong. Moreover, he denied that possible black intellectual or civilizational inferiority justified enslavement: "Whatever be their talents, it is no measure of their rights."

Given Jefferson's firm condemnation of slavery, a view shared by most of the framers, why didn't these men move rapidly to free their slaves and insist upon a Constitution that would immediately secure equal rights for all?

To answer this question, we must recognize the practical dilemma faced by the framers in Philadelphia. The founders understood full well that a society, in order to be democratic, must secure the consent of the governed. Thus there could be no justification whatever for ruling another human being without his consent. Blacks are human beings, and in possession of natural rights. Slavery is therefore against natural rights and should be prohibited. But how?

Kevin Chadwick

Here is where Jefferson and the founders faced two profound obstacles. The first was that virtually all of them recognized the degraded condition of blacks in America and understood it posed a formidable hurdle to granting blacks the rights of citizenship. By contrast with monarchy and aristocracy, which only require subjects to obey, self-government requires citizens who have the capacity to be rulers. Was a group that had been enslaved for three centuries ready to assume the burden of democratic self-rule?

Jefferson was also aware of the existence of intense and widespread white prejudices against blacks which, whatever their cause, seemed to prevent the two alien peoples from coexisting harmoniously on the same soil. Madison, who shared this view, developed a plan for the U.S. government to raise money to repatriate blacks to Africa.

These so-called colonization schemes seem bizarre today, but in the 18th century they were supported by many abolitionists, white as well as black. Lincoln himself echoed Jefferson's concerns, and prior to the Civil War he endorsed colonization as a way for blacks to live free and unmolested in a country of their own.

The deference of Jefferson and the American founders to popular prejudices strikes many contemporary scholars as an intellectual and political scandal. Some suggest that popular convictions simply represented a frustrating obstacle that the founders should have dealt with resolutely and uncompromisingly.

But in a democratic society of the sort the founders were trying to construct, the absence of the people's agreement on a fundamental moral question of governance is no mere technicality. The case for democracy, no less than the case against slavery, rests on the legitimacy of the people's consent. To outlaw slavery without the consent of the majority of whites would be to destroy democracy, and thus to destroy the very basis for outlawing slavery itself.

The men gathered in Philadelphia were in a peculiar intellectual and moral predicament. For them to sanction slavery would be to proclaim the illegitimacy of the American Revolution and the new form of government based on the people's consent—yet for them to outlaw slavery without securing the people's consent would have the same effect.

In practical terms as well, the choice facing the men gathered in Philadelphia was not to permit or to prohibit slavery. Rather, the choice was either to establish a union in which slavery was tolerated or not to have a union at all. Any suggestion that Southern states could have been persuaded to join a union and give up slavery can be dismissed as preposterous. Historian Eugene Genovese confirms the obvious: "If the Constitution had not recognized slavery, the Southern states would never have entered the union."

Thus the accusation that the founders compromised on the Declaration's "all men are created equal" principle for the purpose of expediency reflects a grave misunderstanding. The founders were confronted with a competing principle also present in the Declaration: Governments derive their legitimacy from the

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"consent of the governed." Both principles must be satisfied, and where they cannot be, compromise is not merely permissible but morally required.

The framers found a middle ground not between principle and practice, but between opposition to slavery and majority consent. Not only are these closely related principles, but in a philosophic sense they are the same principle. How did the framers seek to mediate between their rival claims? By producing a Constitution in which the concept of slavery is tolerated in deference to consent, but not given any moral approval in recognition of the slave's natural rights.

Nowhere in the document is the term "slavery" used. Slaves are always described as "persons," implying their possession of natural rights. The founders made concessions to slavery as a matter of fact but not as a matter of right. In addition, the framers produced a Constitution that refuses to acknowledge the existence of racial distinctions, and in so doing produced a document that transcended its time.

None of the supposed contradictions contemporary scholars have located in the American founders were unrecognized by them. Many of the framers justified their toleration of slavery on prudential grounds, for in the 1770s and 1780s they had reason to believe that slavery was losing its commercial appeal. They were wrong, because Eli Whitney's invention of the cotton gin in 1793 (which the founders could not possibly have anticipated) revived the demand for slavery in the South.

Even so, the test of the founders' project is the practical question: Did the American founding strengthen or weaken the institution of slavery? The intellectual and moral ferment that produced the American Revolution, historian Gordon Wood argues, should be judged by its consequences. Before 1776, slavery was legal in every state in America. Yet by 1804 every state north of Maryland had abolished slavery either immediately or gradually; Southern and border states prohibited further slave importations from abroad; and Congress was committed to outlawing the slave trade in 1808, which it did. Slavery was no longer a national but a sectional institution, and one under moral and political siege.

"Before the revolution, Americans like every other people took slavery for granted," Wood writes. "But slavery came under indictment as a result of the same principles that produced the American founding. In this sense, the prospect of the Civil War is implicitly contained in the Declaration of Independence."

Abraham Lincoln not only perceived the framers' dilemma, but knew that he had inherited it. The principle of majority rule is based on Jefferson's doctrine that "all men are created equal," yet what the political philosopher Harry V. Jaffa has called the "crisis of the house divided" arises when the majority denies that "all men are created equal" and in so doing denies the basis of its own legitimacy.

Lincoln was presented with two concrete options: working to overthrow democracy, or working to secure consent through persuasion. Conscious that he too must defer, as the founders did, to prevailing prejudices, Lincoln nevertheless sought to neutralize those prejudices so they did not become a barrier to securing black freedom. In a series of artfully conditional claims—"If God gave [the black man] little, that little let him enjoy"—Lincoln paid ritual obeisance to existing racism while drawing even racists into his coalition to end slavery. He made these rhetorical concessions because he knew that the possibility for securing anti-slavery consent was far better in his time than in the 1780s.

In one of the clearest commentaries on the Declaration, Lincoln observed:

> They intended to include all men, but they did not intend to declare all men equal in all respects. They did not mean to say all were equal in color, size, intellect, moral development or social capacity. They defined with tolerable distinctness in what respects they did consider all men created equal—equal in certain inalienable rights. They did not mean to assert the obvious untruth, that all were then actually enjoying that equality, nor yet, that they were about to confer it immediately upon them. . . . They meant simply to declare the *right*, so that the *enforcement* of it might follow as fast as circumstances should permit.

By working through rather than around the democratic process, Lincoln justified the nation's faith in the untried experiment of representative self-government. In vindicating the slave's right to rule himself, Lincoln also vindicated the legitimacy of democratic self-rule.

Lincoln's position came to be shared by Frederick Douglass, who had once denounced the Constitution but who eventually reached the conclusion that it contained anti-slavery principles. "Abolish slavery tomorrow, and not a sentence or syllable of the Constitution need be altered," Douglass said. Slavery, he concluded, was simply a "scaffolding to the magnificent structure, to be removed as soon as the building is completed."

It took a civil war to destroy slavery, and with it much of the infrastructure and economy of the South. More than half a million whites died in that war, "one life for every six slaves freed," historian C. Vann Woodward reminds us. But for Lincoln as for Douglass, the greatest white and black statesmen of the time, the triumph of the union and the emancipation of the slaves represented not the victory of might over

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right, but the reverse. Justice had won out over expediency, and the principles of the American founding had at long last prevailed.

Black History Month is a good time to step aside from the divisive contemporary debates about race and reflect on how much better this country is for blacks and other minorities than at any time in the past, and to give credit to those who made this progress possible. For their role in producing a charter for a society immeasurably better than the one in which they found themselves, the framers deserve our respect and gratitude. ♦

The Last Days of Hong Kong

By Ellen Bork

A prominent Hong Kong developer with links to Beijing explained China's cavalier attitude toward its commitments on Hong Kong. China, he said, views its treaty with Great Britain returning the colony to Chinese rule as it would a business contract—perpetually open for renegotiation. In societies based on the rule of law, a contract may signify the end of a negotiation, but in China it begins a process of continual reinterpretation, as each party seeks advantage. The developer's analogy explains why China has felt free to renege on the autonomy, elected legislature, and independent judiciary it promised Hong Kong in the Sino-British Joint Declaration of 1984. It doesn't explain, however, why Britain and the United States have gone along.

The latest provocation came on January 19, nearly six months before Hong Kong reverts to China at midnight on June 30. A Beijing-appointed transition group recommended repealing or amending 25 Hong Kong laws, including those protecting political activity and ties to foreign organizations. The proposals now go to Beijing's rubber-stamp National People's Congress for approval, then to the puppet Provisional Legislature whose appointment Beijing engineered on December 21.

The creation of this Provisional Legislature was the most serious blow yet to the future Hong Kong was promised in the Joint Declaration. A 400-member Selection Committee designated by Beijing met just over the Chinese border to avoid a court challenge in Hong Kong. The committee gave 51 of its own members seats in the Provisional Legislature, along with 10 politicians defeated in 1995 for seats in Hong Kong's elected Legislative Council, or Legco. The Democratic party, which swept those elections, refused to participate in the charade. Hong Kong governor Chris Patten pronounced the exercise "stomach churning" and noted that the Provisional Legislature was chosen by 0.15 percent of the electorate. In Hong Kong, protesters marched to the headquarters of the New China News Agency (Xinhua), Beijing's de facto embassy. Some carried small trash cans mounted on sticks, a play on the Cantonese words for legislature (*laap faat wui*) and garbage (*laap saap*).

None of this was surprising. China has kept up a drumbeat against the Legco for two years. Indeed, the real question about Hong Kong's future has been not whether China would live up to its commitments, but what, if anything, the United States would do when China broke them.

The answer apparently is, not much. The meeting between presidents Bill Clinton and Jiang Zemin in Manila in November confirmed that the United States will not let China's mistreatment of Hong Kong interfere with closer relations. Thus, President Clinton chose not to mention, let alone protest, the imminent attempt to replace an elected legislature with an appointed one. Nor did Madeleine Albright mention the Provisional Legislature at the hearing for her confirmation as secretary of state, saying only that she was "watching" the Joint Declaration "very closely" and hoped China wouldn't kill "the goose that laid the golden egg."

Albright's comments reflect the Clinton administration's policy of avoiding confrontation with China

Ellen Bork is senior professional staff member for East Asia and the Pacific for the Senate Committee on Foreign Relations.

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over Hong Kong. While stressing that it wants Beijing to comply with the Joint Declaration, the administration claims to be unable to determine that an appointed legislature—or any other Chinese action—violates the treaty's terms. Last July, assistant secretary of state Winston Lord told Congress, "The United States does not offer legal interpretations of agreements to which it is not a party. This is especially true in cases like that of the proposed provisional legislature in Hong Kong that involve a question of treaty interpretation, and where the parties themselves have not stated their legal positions. By the way, the British have not stated their legal position."

THE CLINTON STATE DEPARTMENT CLAIMS IT CAN'T SAY WHETHER CHINA HAS MET ITS OBLIGATIONS TO HONG KONG. THIS IS DISINGENUOUS.

This narrow approach has sidelined the United States during the transition. It is also disingenuous. The United States is required by law to evaluate compliance with the Joint Declaration. The U.S.-Hong Kong Policy Act of 1992 directs the State Department to report annually on "the status of, and developments affecting, the implementation" of the Joint Declaration. It also requires the president to determine whether Hong Kong has sufficient autonomy to merit the continued application of U.S. laws and agreements with Hong Kong after reversion. In making this determination, the president is to refer to "the terms, obligations, and expectations expressed in the Joint Declaration."

Even if U.S. law didn't provide a basis for opposing Chinese violations of the Joint Declaration, nothing would preclude the United States's making compliance with this or any other treaty a tenet of its China policy. By not respecting its international obligations, China puts itself in a camp with nations the United States deems unworthy of good relations. While the United States may not have the standing to take China before the World Court, as Britain has threatened to do, it can and should tie relations with Beijing to China's meeting its international commitments.

All this makes a sad end to Hong Kong's history as a British colony. Great Britain acquired Hong Kong in three parts as a result of the Opium Wars of the 19th century. Hong Kong island and the Kowloon peninsula were ceded in perpetuity in mid-century. The New Territories, reaching up to China's southern Guangdong province, were the subject of a 99-year lease executed in 1898. As the end of this lease approached, Prime Minister Margaret Thatcher raised the matter in Beijing in 1982. Two years later, Great Britain and China signed the Joint Declaration and three annexes spelling out terms for Hong Kong's autonomy as a Special Administrative Region of the People's Republic of China.

The future that China promised Hong Kong in the Joint Declaration was better than could have been expected from a deal made over the heads of the colony's people. Hong Kong would enjoy autonomy from the mainland, with a chief executive appointed by Beijing but accountable to an elected legislature. Hong Kong's common-law legal system would remain unchanged. Criminal prosecutions and maintenance of public order would be under local control. Personal freedoms would be protected.

Recognizing Hong Kong's importance to the mainland economy, China pledged: The "socialist system and socialist policies shall not be practiced." Hong Kong's dollar would remain in circulation and freely convertible, though without the queen's picture. Markets for foreign-exchange gold, securities, and futures would be protected. Hong Kong would remain a free port and a separate customs territory, issuing travel documents for its citizens and maintaining economic and cultural ties with other countries.

It is difficult to say whether Beijing intended to follow through on these commitments. The two key Chinese leaders when the Joint Declaration was signed in 1984, Deng Xiaoping and Zhao Ziyang, have left the scene. In any event, after the massacre of democracy protesters in Tiananmen Square in 1989, Beijing apparently regretted the arrangement that Deng had called "one country, two systems," and it moved to exploit one of the few weaknesses of the Joint Declaration.

As an international agreement, the declaration had to be incorporated into Hong Kong law. Instead of assigning the job to an elected Hong Kong legislature, however, the drafters gave the task to the National People's Congress in Beijing. Beijing jumped at the chance to rewrite its obligations. The resulting Basic Law of the Hong Kong Special Administrative Region, issued in April 1990, deviates from the Joint Declaration in important respects.

Where the Joint Declaration calls for an elected legislature, the Basic Law provides that only one third of the legislature will be elected by July 1, 1997, and that no more than half its seats will ever be required to be filled by election. Where the Joint Declaration says Hong Kong's courts will have the power of final adju-

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dication, the Basic Law will be interpreted by the Standing Committee of the National People's Congress in Beijing. Where the Joint Declaration says Hong Kong's legal system and statutes will not be changed, Article 23 of the Basic Law directs the Hong Kong legislature to pass laws prohibiting "any act of treason, secession, sedition, subversion against the Central People's Government or theft of state secrets" and against "foreign political organizations conducting activities or establishing ties" with Hong Kong political organizations. The implications of Article 23 were driven home last November by the case of Wang Dan, a Tiananmen student leader sentenced by China to 11 years in prison for plotting to subvert the government by publishing op-eds in foreign papers and taking a correspondence course from the University of California, Berkeley.

In public, Britain kept quiet about the Basic Law, while behind the scenes it agreed with China not to object to these inconsistencies with the Joint Declaration. As a result, the Basic Law has played an insidious role in the transition. Beijing justifies its latest attack on civil liberties in Hong Kong, for example, as necessitated by the Basic Law.

Nor did Great Britain stand in the way when China trained its sights on the judicial system. Instead, in 1995, China and Britain together overrode the Joint Declaration's provision for a new high court to take appeals formerly heard in London. First, they agreed to give the Beijing-appointed chief executive a role in judicial selection, a function the Joint Declaration had assigned to an independent commission. Then they gutted Hong Kong's tradition of allowing judges from other countries that use the common law to sit on the court, a practice protected in the Joint Declaration and deemed important to the courts' ability to withstand political pressure after reversion. London and Beijing restricted the number of overseas judges on the court to one.

Most important, Chinese and British negotiators agreed that "acts of state, such as defense and foreign affairs, et cetera," will be outside the court's jurisdiction. The words "such as" will be interpreted by the Standing Committee of the National People's Congress, allowing Beijing to prevent challenges to the government or assertions of personal liberties from being heard, let alone upheld, in court. Britain relentlessly promoted the agreement on the Court of Final Appeal, maintaining it would actually boost international business's confidence in Hong Kong.

Throughout the assault on the Joint Declaration, the United States has stayed silent. Neither the Bush administration nor the Clinton administration has objected that China is breaking its commitments to Hong Kong, much less indicated a willingness to do anything about it. Reactions are stronger on Capitol Hill.

Last summer, the Senate condemned the appointment of a legislature as violating the Joint Declaration and urged Beijing to allow the Legco to serve out its four-year term ending in 1999. The bipartisan Congressional Caucus on Hong Kong, chaired by senators Connie Mack and Joseph Lieberman and representatives John Porter and Sam Gejdenson, protested the appointment of the Provisional Legislature. Porter will reintroduce a bill granting special U.S. visas to journalists so they will have somewhere to come if they get into trouble with Beijing. And the Senate Foreign Relations Committee plans hearings, on U.S. law-enforcement interests in Hong Kong as well as on the March report required under the U.S.-Hong Kong Policy Act. Amendments to that law are also under review, as is a proposal to sanction members of the Provisional Legislature.

The administration should drop its insistence that the United States is incapable of recognizing violations of the Joint Declaration. It should also suspend preparations for a Sino-American summit. It must refuse to deal with the Provisional Legislature, while showing support for the elected members of the Legislative Council. Members of both bodies are expected in Washington this spring, and the administration should demonstrate a clear preference.

Incoming chief executive C.H. Tung is expected to visit Washington, too. He was largely an unknown quantity until last week, when he embraced as "fair and reasonable" the recent actions by the Beijing transition group gutting civil liberties. When Tung comes to town, he should get an earful from administration officials and the Congress. He should be informed that his relations with the United States will hinge on his fidelity to the Joint Declaration, his refusal to dissolve the Legco, and his appointment of democrats to important positions in the Hong Kong government.

WHEN HONG KONG'S INCOMING CHIEF EXECUTIVE C.H. TUNG VISITS WASHINGTON, HE SHOULD GET AN EARFUL FROM THE ADMINISTRATION.

Finally, the United States must persuade our allies to join in holding China to its commitments. Washington has already waited too long to draw the line on China's sellout of Hong Kong. ♦

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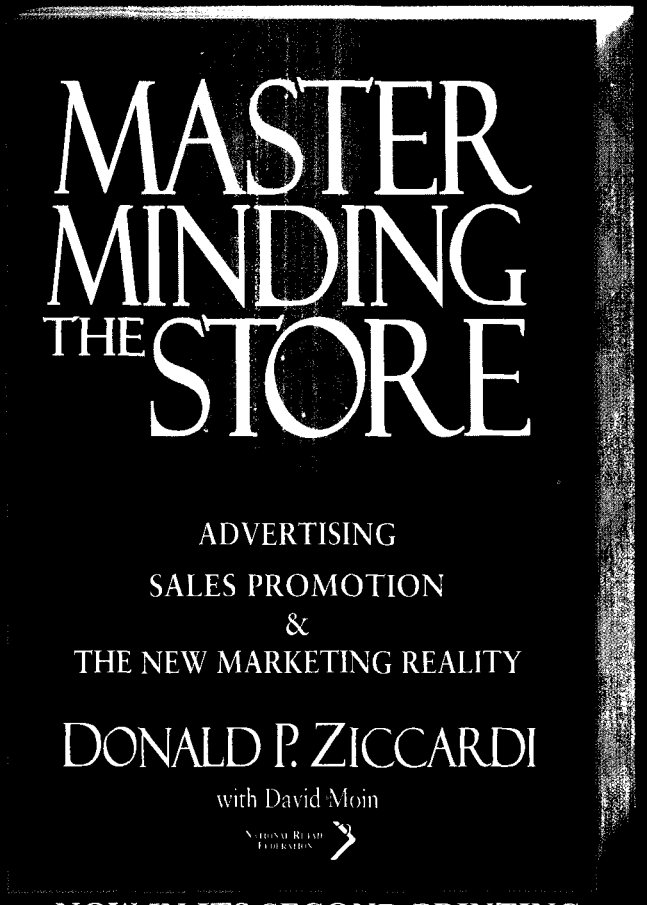

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Two Shipwrecked Divas

Kathleen Battle and Marilyn Horne on the Way Down

By Jay Nordlinger

The story is told of the diva who, shipwrecked, fell into the clutches of cannibals. Before they put her in the pot, she cried, "You can't do this to me, I'm an opera singer!"

"Prove it," the cannibals said, "and we'll let you go. Sing something."

"*What!*" replied the diva. "Without my make-up? Without my gown? Without my agent? Without my *fee?*"

Convinced, the cannibals released her.

But they never met Kathleen Battle. Legions of concertgoers and record-buyers adore her, but the 48-year-old soprano from Portsmouth, Ohio, is loathed in the music world. There was the time in Boston when she called the symphony to complain that the chef at the Ritz-Carlton had put peas in her pasta. There was the time when, riding in a limousine in Switzerland, she called her New York managers to insist they get the limo driver to turn the heat up. There was the time when she threw the clothes of the soprano Carol Vaness out of the Metropolitan Opera's Dressing Room No. 1, believing herself entitled to it. Battle was summarily fired from the Met in 1994 for being a . . . well, "prima donna" is the politest term. Abuse-weary employees at one recording company suggested she do a new recording of spirituals—*Nobody Knows the Trouble I've Been*—and referred to her album with Wynton Marsalis as *Music for Trumpet and Bitch*.

It's one thing to excuse temperament in a genius, but Battle is not earning any indulgence by her singing. She has always been an uneven performer, but a recent Washington recital found her in serious trouble. She began with a pair of Handel arias, and everything about them was abysmal. Her breaths, always high and shallow, were more so; her ornamentation was sloppy; her enunciation was lazy; her intonation was wretched. Mannerisms that used to be merely cloying have become caricature: She slides into notes like a lounge singer and she gesticulates histrionically, as though attempting to make up with her arms for what she is failing to do with her voice. She cracked repeatedly in the middle range, and she talked the low notes more than she sang them. Her high notes—the money notes for a light coloratura like Battle—were throat-driven, unsupported.

Kathleen Battle

Illustrations by Chas Fagan

Battle was out of her depth on Hugo Wolf's profound "Kennst du das Land," and she couldn't even flirt her way through two of his coquettish songs. Richard Strauss's soaring "Heimliche Aufforderung" called for more voice than Battle could muster, and she spoiled many pieces, including Strauss's "Die Nacht," with absurd interpretive liberties.

There were glimpses, though, of a better Battle. She is an effective singer of songs in Spanish, and did a few of them stylishly. In the spirituals and the encores, she found those silvery high notes, and concluded with a creditable account of Mozart's "Alleluia."

Battle has always been a "pretty-voiced singer"—among the cruelest epithets in music—and that voice is now perilously weak. Battle, who should have at least another decade of first-rate singing in front of her, is in tatters. Her fans will forgive her anything, naturally. But there is restoration to do, and a woman of her notorious vanity ought to summon the self-respect to get it done.

Jack Kemp, that merry philosopher of America, proclaimed in last fall's vice-presidential debate that "if you're born in this country to be a mezzo-soprano . . . nothing should be in your way." Nothing has been in Marilyn Horne's way since she was born to be a mezzo in Bradford, Penn., 63 years ago. But today she faces the irksome impositions of age, to which she is engaged in a slow surrender.

If any singer seemed likely to go on forever, it was "Jackie," as Horne

Associate Editor Jay Nordlinger last wrote on the composer John Corigliano (Dec. 2).

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Marilyn Horne

is known in the *faux*-chummy opera world. She was always secure in her technique, reliable in her musical judgments. Her intonation was unerring, her breathing mythic. With Horne, "mezzo-soprano" was not "half a soprano," but a vocal base camp from which to make pleasing excursions. She could range from deepest contralto to the snow-capped peaks of the register. She had an eerie "chest voice" that thrilled some critics and led others to charge her with singing like a truck driver. Either way, that was part of her appeal: It was as though a man built like a lineman had been graced with the agility of a gymnast. She could sing music that had lain fallow, not because it was unworthy but because so few singers could execute it. Her combination of power and coloratura—along with a keen musical intelligence—did much to restore Rossini to respectability and to bring Handel to the Metropolitan Opera for the first time ever.

Along the way, she picked up a measure of general fame. At 20, she was the dubbed voice of Dorothy Dandridge in the movie version of *Carmen Jones*, Oscar Hammerstein's reworking of Bizet's *Carmen*. She chatted with Johnny Carson on the *Tonight Show*, hammed it up on TV's *The Odd Couple*, and functioned as a kind of national Mezzo Laureate, lending cultural weight to PBS fund-raisers, Fourth of July celebrations, and presidential inaugurations. In 1981, *Opera News* editor Robert Jacobson was able to declare her "probably the greatest singer in the world."

A Washington recital shortly before Christmas showed her in steep decline. Even five years ago, she was sounding more or less like herself, but the shadows have lengthened. The Washington outing was unnerving—beginning with the program. She used to start with a couple of Baroque arias, traverse the serious song repertory, and finish with a display of coloratura calculated to bring people to their feet. But now she offers a program with virtually no technical demands, and even that she can barely carry off.

The first half of her recital consisted of relatively gentle songs, located in mid-range; she did not sing them well. Her sound was muted and her intonation was uncertain. When she sang correctly, she sang blandly—which was once unthinkable for Horne. The second half was akin to a pop concert. She sang "lullabies from around the world" and a group of Leonard Bernstein songs—and sang them ably, but it was strange to witness a fabled technician, who has burned up every important stage in both hemispheres, resort to "Mighty Lak' a Rose."

There are two schools of thought on when a singer should retire. Some think you should stop when you are no longer your best self; others contend that you should continue as long as you can spark memories of your best self and keep a little pride. So Horne is now confronted with a decision. In her autobiography, she writes of her longtime accompanist: "I have a deal with Marty Katz. He's promised to let me know when I'm no longer singing the way he and I know I want to sing. If I go on too long, blame Marty."

He is not to blame yet. But a tearful discussion between him and his meal ticket should not be long delayed. ♦

WHY ARE LATINS 'BACKWARD'?

Not Enough Protestants, Too Many Intellectuals

By Elliott Abrams

As Lawrence Harrison reminds us in *The Pan-American Dream*, Latin America has been getting bad press for a long time. Thomas Jefferson worried that the "priest-ridden" Spanish colonies, if liberated, would "become the murderous tools of their respective Bonapartes." Simón Bolívar, the Liberator, predicted the region would "ineluctably fall under the domination of obscure small tyrants of every color and race," and concluded that the wisest course for a Latin American was to emigrate. Until recently, they've been right.

Lawrence E. Harrison
The Pan-American Dream
Do Latin America's Cultural Values Discourage True Partnership With the United States and Canada?
BasicBooks, 310 pp., $25

Harrison, a former USAID mission director in Haiti and Nicaragua, has spent the last decade asking why

Elliott Abrams is president of the Ethics and Public Policy Center.

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some cultures prosper and others flounder. For the different paths taken by North American and Latin American countries since independence, he offers a very simple cause: "the strikingly different values, attitudes, and institutions that have flowed from the Anglo-Protestant and Ibero-Catholic traditions."

Harrison is as big a booster of Protestantism as Jerry Falwell. "Protestants," he says, "generally attach higher importance to work, education, sobriety, honesty, and community responsibility." If he is optimistic about Brazil and Chile, it is in part because of the rise of Protestantism there, while the weakness of Protestantism in Mexico helps explain its very slow transformation. He thinks Protestantism is a sure-fire way to convert Latins to better behavior.

So is immigration. Harrison notes that Latin America's entrepreneurial classes consist disproportionately of foreigners: Basques in Chile; Swiss, Italians, and Japanese in Brazil; and Jews, Arabs, and (recently) Koreans all over the place.

While Ibero-Catholic culture helps explain Latin America's comparative backwardness, meddlesome intellectuals peddled "costly nonsense" that has wrought immense harm. Today their theories have been junked and their greatest works are laughable, but on they go, pontificating, getting grants, being interviewed by CNN and the *New York Times* for their expertise on Latin American life. Since almost none of them have had the good manners to admit they were wrong, Harrison identifies the very worst of them:

• Raúl Prebisch, the Argentine economist. Prebisch headed the United Nations Economic Commission for Latin America, where he taught "dependency theory" to thousands of disciples. Under this theory, the United States profited from Latin backwardness, and kept the Third World in penury as a matter of deliberate policy. (One of his disciples, Fernando Henrique Cardoso, is now president of Brazil—and doing a decent job of it, too—but not too many years ago sought to cure Latin underdevelopment by constructing "paths to socialism.")

Kevin Chadwick

• Jorge Castañeda, the occasional *Newsweek* columnist and former Carnegie fellow. Most Mexican intellectuals, Harrison writes, "have spent the last four decades contriving specious theories that blamed Mexico's ills on the United States." But Castañeda, who once wrote that "democracy is in absolute contradiction with capitalism," has consistently been among the most strident.

• Richard Fagen of Stanford, who wrote that "muckraking and informational activity" that was admittedly "less than scholarly by conventional definitions" was necessary to check "the worst excesses of American power, whether perpetrated by the Marines or by the multinationals."

• John Womack, the Harvard Mexico expert, who taught that the best way for Americans to help Mexico "is to dedicate themselves to a profound democratic reform"—of the United States—"with the goal of installing some kind of socialism."

And that is not to forget the Ford Foundation, which paid for most of this destructive theorizing and self-promotion.

Harrison emerges reasonably optimistic about Latin America. Immigrants carry a culture of resourcefulness with them, and those Latins who convert to Protestantism can be expected to take on Protestant ways. But Harrison has only a vague idea of how the great mass of Latins is to become "modern." He is right to focus on building schools and courthouses, and equally correct to note the importance of policies that reward saving and protect property rights. His suggestions, such as improving Latin judiciaries and universities and building up the non-governmental sector, are solid.

On how to transform the culture, however, Harrison has little to offer beyond suggesting that foreign-aid donors conduct "values and attitude research" and include "analysis of traditional child-rearing practices." His book has other weaknesses: Chapters on drug trafficking and on U.S. immigration policy seem more

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like an editor's idea of what's hot than organic parts of Harrison's argument about modernization in Latin America. Moreover, he has said much of this before, and *Underdevelopment Is a State of Mind* (1985) is a better presentation of his overall views about culture and development.

Still, *The Pan-American Dream* is a useful reminder that liberty and the free market depend ultimately on what people believe, not on what their governments enact. Culture being all-important, an official embrace of democratic capitalism is only a start. Latin culture can change, as we have seen in Spain. The only irredeemably sick culture Harrison shows us is that of the leftist intellectuals who foisted their pet theories on the Latin countries for several damaging decades. ♦

MONEY CHANGES EVERYTHING

A Moralistic History of the Rock Music Business

By Shawn Miller

The much-lampooned Cold War worry about rock music—that it was a Kremlin-bred virus designed to clear the way for world communism—has proved spectacularly unfounded. As rock and roll nears the end of its first half-century, it finds itself part of a $20-billion industry that arguably began in 1835, when Daniel Decatur Emmett signed away the rights to "Dixie" for $500. Today's rock executives can hold their own in any contest of capitalist machismo. Last August, the American Society of Composers, Authors, and Publishers (ASCAP) threatened to sue a troop of Girl Scouts in Lafayette, California if they performed the "Macarena," forcing the young ladies to learn the dance without any music.

That same month, Warner Records re-signed R.E.M. to a five-album, $80-million contract, topping similarly huge pacts recently procured by the Rolling Stones and U2.

Shawn Miller is a writer living in Portland, Ore.

Fred Goodman
Mansion on the Hill
Dylan, Young, Geffen, Springsteen and the Head-On Collision of Rock and Commerce
Times Books, 448 pp., $25

Among rock fans, such deals are met with a curious sort of hand-wringing. Instead of being pleased that R.E.M. is being rewarded for two decades of hard work and superior music, fans worry that the band is "selling out." Freelance rock journalist Fred Goodman is such a fan. His new book *The Mansion on the Hill* examines the "collision of rock and commerce," and concludes that business has survived the collision. His prognosis for artistic integrity is not so optimistic.

The rock pioneers of the 1950s, such as Elvis Presley, Chuck Berry, and Jerry Lee Lewis, saw their music less as art than as an escape from poverty. Goodman, however, skips all that, and opens his story with the Boston folk musicians of the early 1960s, who saw themselves as outcasts from a society obsessed with consumerism.

Goodman focuses on characters like Albert Goldman, who—as the manager of Odetta, Peter, Paul and Mary, and the young Bob Dylan—was widely reviled by the folk establishment. Goldman strove to reconcile making music with making money, and in the process opened a Pandora's Box of capitalist sin into folk paradise. His innovations, such as artist-owned publishing companies and production firms, would enrich his clients a great deal. But that acumen could also be turned against his musicians, as Dylan found out in 1965, when he traded Goldman an Andy Warhol lithograph (*Double Elvis*) for a sofa.

Goodman also draws an entertaining portrait of Atlantic Records' Mario Medious, one of rock's first FM promotion men and "the perfect businessman for a group of people who loathed business." In one instance, Medious got an on-air disc jockey so stoned that he passed out in the station's bathroom, whereupon Medious commandeered the microphone and played nothing but Atlantic releases for two hours.

When Goodman turns to the musicians themselves, he falls into heavy-handed moralizing. Take rock's greatest-ever flash-in-the-pan, Peter Frampton. Nobody was more surprised than Frampton when his double album *Frampton Comes Alive* became a hit in 1975. Over the course of the following year, the album and subsequent tour generated $50 million. Frampton appeared on the *Mike Douglas Show*, posed shirtless for *Rolling Stone* and *People*, and starred with the Bee Gees in *Sgt. Pepper's Lonely Hearts Club Band*, of which the *New York Times* said: "This isn't a movie, it's a business deal set to music." Frampton went into a tailspin from which he has yet to emerge. Goodman's moral: *Commercialism has its limits.*

By way of contrast, Goodman offers thirty-year rock veteran Neil Young, arrogant, self-indulgent, and something of a demigod among rock writers. For Young, it makes little difference "if my audience is a hundred or a hundred million." Indeed, he has released a number of albums so uncommercial it seems only his fami-

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ly and close friends could be bothered to buy a copy. Still, a Neil Young tour is as close to a sure moneymaker as exists in the music industry today. Goodman's moral: *Be true to your beliefs and rewards will follow.*

These conclusions, inspiring though they may be, are weakened by the author's failure to place any critical value on Young's or Frampton's music. Young is able to ooze artistic integrity because he is immensely talented, not the other way around. By the same token, *Frampton Comes Alive* was a lucky aberration. Frampton could hardly have been expected to catch lightning in a bottle a second time, and indeed he never did.

Goodman had higher expectations for Bruce Springsteen. Early in his career, Springsteen was seen as a rock messiah, a humble, blue-collar guy for whom music "was a street corner communion," not a quest for wealth. The release of *Born in the U.S.A.* in 1984, however, made Springsteen an international star and deposited a heap of wealth in the New Jersey native's lap. The album's success was a sin that many of his fans have found hard to forgive. When Al Teller of Columbia Records told Goodman that his goal for *Born in the U.S.A.* was to sell ten million copies, he provided the author with a pretext for pages and pages on the subordination of art to business. Goodman goes so far as to accuse Springsteen and his marketing team of orchestrating the release of the song "Born in the U.S.A." to capitalize on the Vietnam-was-a-noble-cause wave of the early 1980s. If that's the way most casual listeners took it—including Ronald Reagan, who referred to it in campaign speeches—it's only because they hadn't the faintest clue of the song's antiwar sentiments.

In the end, Goodman's image of a collision between rock and commerce fails him. These half-forgotten rock bios hardly seem worth the effort in a book that purports to tell us about commercial excess and yet barely mentions the advent of the compact disc or MTV. If, in 1997, we have Madonna running her own music company and the CEOs of giant corporations attending board meetings in blue jeans, it seems safe to say rock and commerce did not collide. They merged. ♦

DAVID CARKEET'S WAYS

A Brilliant Comic Novelist Who Can Do Better

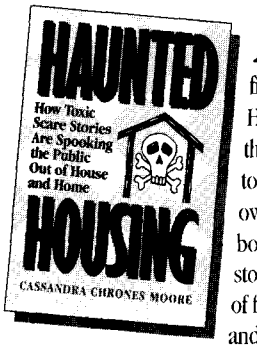
By J. Bottum

To read any one of David Carkeet's five comic novels is to think that this is a writer with the talent to do absolutely anything. And yet, to read all his books is to wonder whether he's ever going to get around to it. The disappointment of his latest, *The Error of Our Ways*, is not that it's any worse than his previous novels, but that it's no better.

This is not entirely Carkeet's fault. There's something in the genre of the novel that doesn't love a joke. Apart from a handful of picaresque stories, beginning with *Don Quixote* and ending with *The Pickwick Papers*, there are scarcely any full-length comic

J. Bottum is a contributing editor of THE WEEKLY STANDARD.

Spooking the Public Out of House and Home?



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novels that anyone would put in the first class of literature. The best work of nearly every humorist from Mark Twain to Damon Runyon was done in short stories and brief essays. James Thurber's perfect story "The Secret Life of Walter Mitty" runs only five pages for a reason.

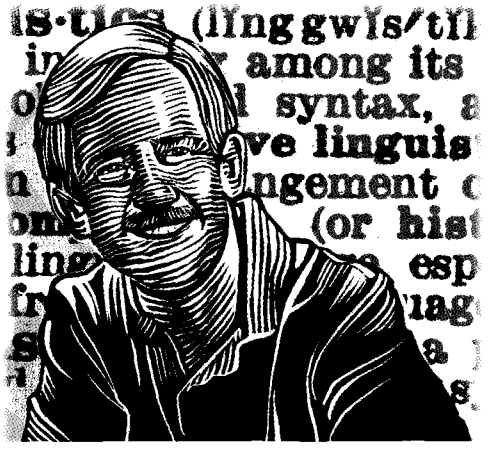
David Carkeet
The Error of Our Ways
Henry Holt, 275 pp., $25

True, the end of the nineteenth century saw such great works as Jerome K. Jerome's *Three Men in a Boat* and Frank R. Stockton's *Rudder Grange*, while P.G. Wodehouse stands outside any theory of comic writing, laughing at us. But as a rule the novel resists continuous humor. Even in books as good as Carkeet's, the reader can feel an awkward tugging towards something that wants to be more than funny.

The hero of *The Error of Our Ways* is Jeremy Cook, an itinerant—and now unemployed—linguist who starred in two of Carkeet's earlier novels. Jeremy has moved to St. Louis, where his new wife Paula Nouvelles has found a job in the linguistics department of a school much like the University of Missouri (where Carkeet himself teaches linguistics). Jeremy watches Paula grow quickly into a hard-edged spouter of clichés as she maneuvers her way through academic politics towards a better husband.

Through one of Paula's colleagues, Jeremy comes into contact with Ben Hudnut, a St. Louis businessman who has built his "Crunch" nut company into a million-dollar concern. Jeremy's interest is originally in the linguistic patterns of Ben's three-year old daughter Molly (and the sexy shape of his wife Susan), but Ben's troubles soon draw Jeremy deeper into relations with the family. One teenage daughter is starting to run wild, another is haunted by the knowledge that Ben had an affair ten years before, and a third seems to live for possession of a pet rabbit. Meanwhile, Ben's nut distributors have put the crunch on Crunch, and his kooky, knock-knock-joke-telling secretary has just embezzled a quarter of a million dollars from him. "The Nut King of St. Louis," as Paula observes, "has had his nuts cut off."

Carkeet has the whole package of humor, including slapstick, as when Jeremy, attempting to connect a conference call, manages to bring the university's phone system to its knees. But the author's real strength is verbal humor, and having a linguistics scholar for a hero allows Carkeet room both to make his jokes and to have one of his characters professionally qualified to explain them.



Kevin Chadwick

This is familiar Carkeet territory: In *Double Negative* Jeremy solved a murder mystery at a children's clinic by grasping what a child just learning to speak might mean by a doubling like "no-no." In *The Full Catastrophe* he saved the marriage of the couple whose grammar he was studying by grasping that when the wife said "we" she meant only her husband and herself, and when the husband said "we" he included their child as well. In the same book, after a dinner discussion of the ways that English strings together prepositions, a little girl complains, as her father brings in the bedtime story she had expressly said she didn't want, "What did you bring that book I don't want to be read to out of in for?"

Carkeet has the eye to write a great serious novel if he wants. There's a scene in *The Error of Our Ways* that made me catch my breath in admiration for the precision of its observation of family life, when Ben's teenage daughters appear one by one and—in exactly the same cadence—ask the three-year-old Molly, "'Is someone . . . playing . . . *the running game?*' Molly's screams made her mother wince."

And he has the ear to write a great comic work, if he's willing to discipline himself to resist the novel's pull towards something else. *I Been There Before*, for instance, is a virtuoso display in which Mark Twain is magically brought back to life in the 1980s and forced to eke out a living forging Mark Twain memorabilia—allowing Carkeet to invent new Twain stories and show off his ability to parody Twain's prose.

But Carkeet, whose first novel was published almost twenty years ago, is a slow writer, and he must soon decide what he wants to do with all that talent. *I Been There Before* is unfortunately *only* a stunning display of virtuosity—and it stumbles whenever its author tries to make solemn comments on race relations. *The Greatest Slump of All Time* is a marvelous comic work about a National League baseball team suffering from mass depression—until its author suddenly begins to believe his disquisitions on depression and decides to end the humorous book with a realistically drawn suicide. The comedy won't stand the seriousness, and the seriousness won't stand the comedy.

There's a sign at the end of *The Error of Our Ways* that Carkeet is done with his linguistics scholar Jeremy Cook. The time for that has come if Carkeet wants to deliver on his promise. ♦

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DEWEY DEFEATS MALLON

The Pol's Hometown, Vivid but Insubstantial

By Woody West

In Thomas Mallon's fourth novel, it is June 1948 in Owosso, Mich., the comfortable and stable hometown of Thomas E. Dewey, whose next stop will be the White House—or such is the widely shared assumption. The election of Harry Truman is regarded as so unlikely as not to be reasonably considered. On Nov. 3, however, Owosso and America will awake to find that Dewey has lost—despite the famously premature headline in the first edition of the *Chicago Tribune* that gives Mallon his title: *Dewey Defeats Truman*.

In these summer and fall months of 1948, World War II remains a searing reality as battlefield dead continue to be returned to their homes for reburial. Between the lingering and raw experience of the war and the expectations of a vibrant postwar America, Mallon weaves his tale of Owosso and a handful of its residents. The novel pivots around an engaging young trio: Anne Macmurray, pert and eager to mine the town for a novel; ex-G.I. Jack Riley, a UAW organizer and one of the few Truman supporters in Owosso; and Peter Cox, a self-assured Navy veteran and lawyer intent on a political career without delay as a Republican.

Woody West is associate editor of the Washington Times.

Thomas Mallon
Dewey Defeats Truman
Pantheon, 355 pp., $24

Jacqueline Goldberg

In Mallon's fiction—notably *Aurora 7*, which takes place in and around New York City during the single day in 1962 on which Scott Carpenter completed three orbital flights in his Mercury capsule—time is the palpable and figuring element. Here Horace Sinclair, a widowed veteran of the Spanish-American war, guiltily guards a long-held secret of his and the town's. Sinclair, Mallon writes, "knew that living in the past demanded much more effort than living in the here and now. As it receded ever further, the past required more and more work for a man to keep up with it, ever greater imaginative stamina to keep chasing it down the tracks."

Dewey Defeats Truman is an attempt to write an affectionate novel about a small town with unexpected heroes—the Republican politician turns out to be a deeper-souled man than the labor organizer—and unexpected harmonies—the secret lover of a soldier dead in the war finds a way out of his lonely trap through the agency of his beloved's obsessive-compulsive mother. But while the novel holds interest, it ambles toward its conclusion, more admirable for what it could have been than what it is. And there are moments at which Mallon's knowing gestures toward the reader—an out-of-context discussion of a rising young congressman named Nixon, for example—suggest the dangers of writing historical fiction without perfect pitch.

But the novel's central notion—portraying an obscure town that feels itself on the verge of a greatness we know it will never achieve—is well-wrought. The old veteran and much of Owosso are agitated by an idea proposed by a local go-getter for "Dewey Walk"—a primitive diorama/theme park along the bank of the Shiawassee River. The project will commemorate the early life and career of "President Dewey" (who long ago departed Owosso, leaving only a reclusive mother) and attract tourists and the economic benefits.

The decision whether to plunge for the Dewey Walk and presumably change the placid old town becomes a symbol for decisions in Anne Macmurray's own life, as she works in the town bookstore while collecting material for a novel that may never get written. She is being avidly pursued by Jack Riley, the unpolished (but sexy) union organizer, and Peter Cox, both devilishly handsome, moneyed, and arrogant. Despite his progressivism, Riley represents a settled and predictable future in Owosso, while a life with Cox will lead to more adventurous and far less steady years ahead.

As she juggles the two wooers, she tries to make up her mind about the riverside enterprise and finally decides she's for the Dewey Walk. "I like it because it's peculiar; it'll be one of a kind, not something from a chain store. They say the future will be places like that ready-made town they're going to put on a potato farm outside New York—each house like every other. . . . If Owosso is the place that produced Dewey, at least it's the only place that produced him."

It's a rare novel that regards a commercial development with such equanimity. ♦

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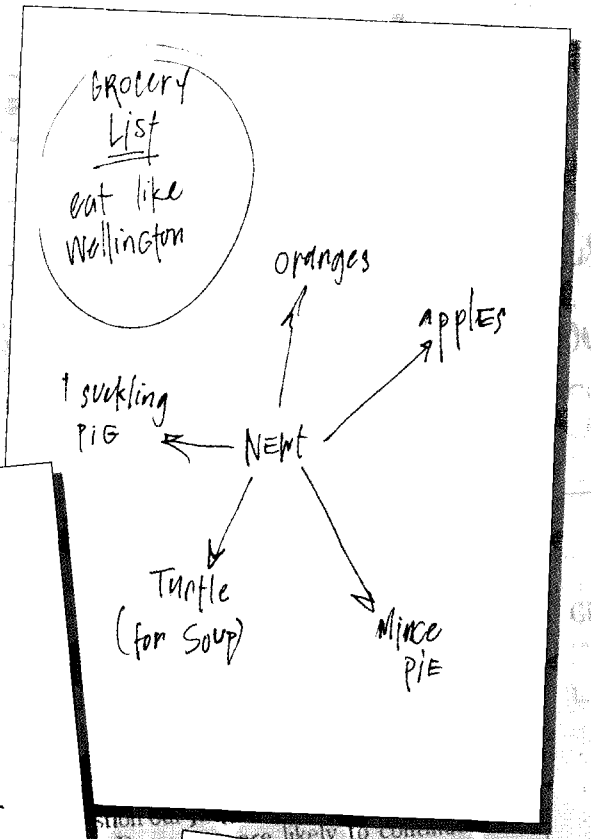
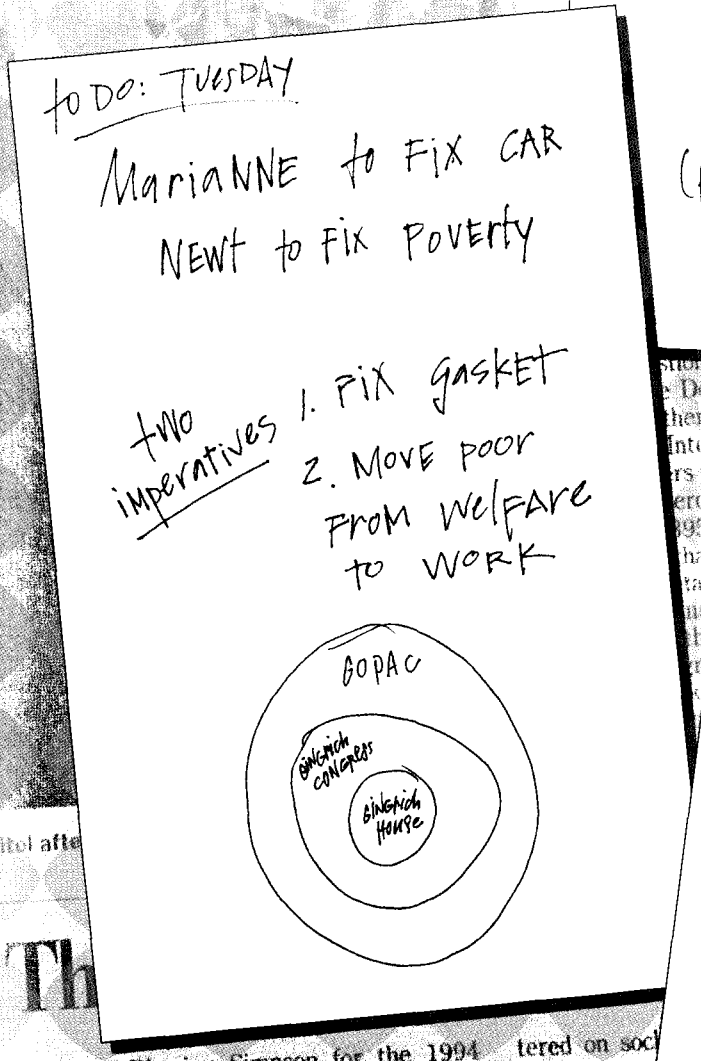
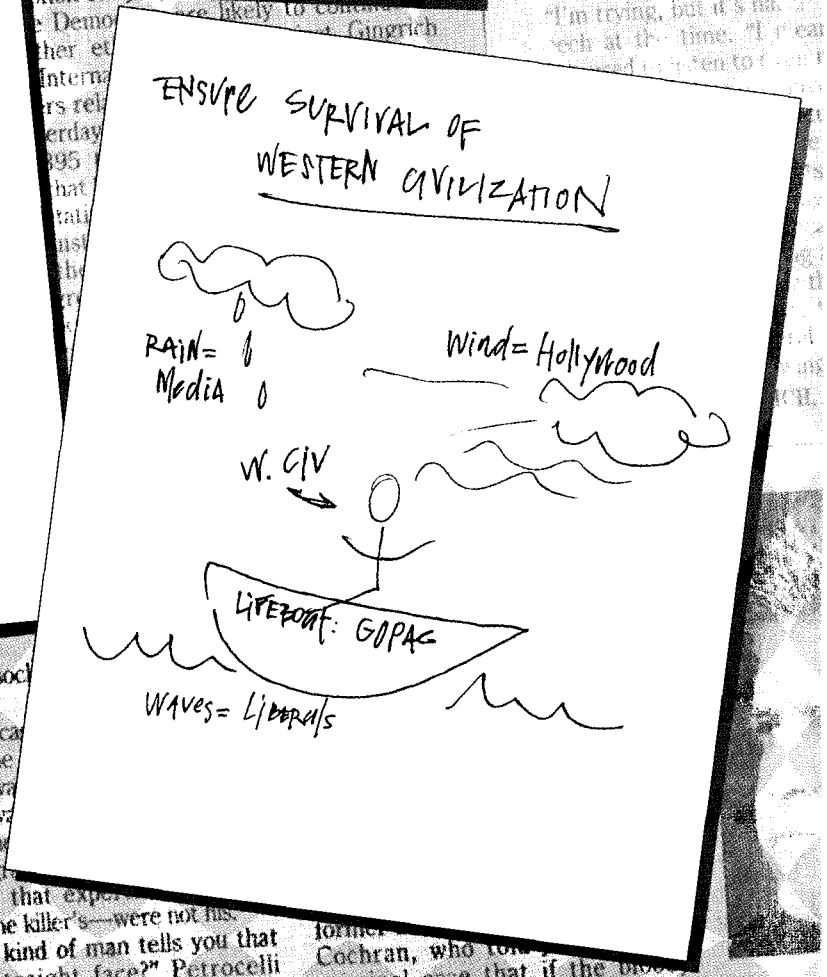
Newt Gingrich's handwritten notes and drawings . . . suggest . . . [a] Napoleonic sense of self. . . . He describes himself as the "arouser of those who form civilization" and "teacher of the rules of civilization."
–News Item

Parody







Blaming Simpson for the 1994 murders of his ex-wife Nicole Brown Simpson and her friend, Ronald L. Goldman, Petrocelli said the evidence—hair, fibers, gloves, clothing, blood and shoe prints—pointed to only one possible assailant, O.J. Simpson, who "lied and lied and lied to you."

Petrocelli asked jurors to answer for themselves the questions—why were Simpson's blood, Nicole Simp-

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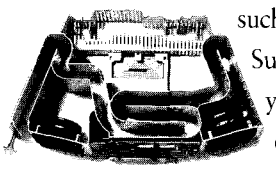

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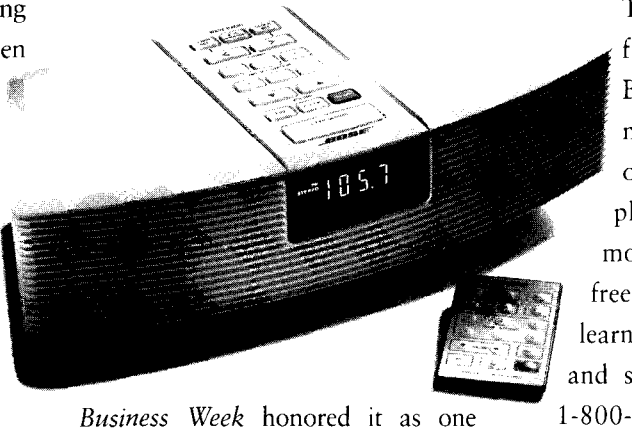

Business Week honored it as one of the "Best New Products of 1994."

The key to such breakthrough sound is our patented acoustic waveguide speaker technology. Just as a flute strengthens a breath of air to fill an entire concert hall, the waveguide produces room-filling sound from a small enclosure.

The Wave radio also has easy-to-use features not found in any other radio. It comes with a credit card-sized remote control, six AM and six FM pre-set buttons, and dual alarms. Plus, you can easily connect it to your CD player, TV, or VCR. All from a radio measuring just 4.5″H × 14″W × 8″D. It's little wonder many people use the Wave radio as their primary stereo system.

Call now and make six interest-free payments.

The Wave radio is available for $349 directly from Bose, the most respected name in sound. And now our installment payment plan lets you make six monthly payments, interest free. For information and to learn about our in-home trial and satisfaction guarantee, call 1-800-764-BOSE, ext. R4242, or return the coupon. You won't miss your old radio one bit. We guarantee it.

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Why thoughtful Americans think Bill Clinton is not serious about making abortion rare.

What he said:

"Abortion should be safe, legal, and rare."

What he did:

Immediately upon his 1993 inauguration President Clinton signed FIVE executive memoranda expanding access to abortions. Since then, he has repeatedly tried to expand the availability of, and access to, abortion. And despite charitable rhetoric, the President and his staff have worked tirelessly to ensure abortion is available on demand at any time during the nine months of pregnancy:

1. He repealed the ban on taking organs from intentionally aborted children. In December, 1993, the National Institute of Health issued a $4.5 million grant using taxpayer funds for such research.

2. He allowed abortion counseling and referrals in federally funded family planning clinics by repealing Title X regulations.

3. He allowed abortions in military medical facilities overseas by repealing the directive prohibiting them.

4. He repealed the policy that denied overseas family planning assistance to organizations which "perform or actively promote abortion as a method of family planning. In November 1993, US AID began providing $75 million over five years to International Planned Parenthood Federation.

5. He directed HHS Secretary Shalala to have the FDA *"promptly assess initiatives by which the Department of Health and Human Services can promote the testing, licensing, and manufacturing in the United States of RU-486 and other antiprogestins."*

6. He wants to repeal the Hyde Amendment, which prohibits most federal funding of abortions in Medicaid and other programs.

7. He wants to scrap provisions in various appropriations bills which prohibit taxpayer funding of abortions for Federal employees, Federal prisoners, Military personnel, and Peace Corps volunteers.

8. He strongly supports FOCA, the Freedom of Choice Act, which nullifies most state laws regulating who can perform abortions in the US, as well as wiping out the Hyde Amendment and state regulations on abortion funding.

9. He submitted a health care bill to Congress making abortion on demand part of the basic benefits package in national health care, and entailing massive taxpayer funding of abortions and repeal most of laws regulating abortions.

10. He vetoed the Partial Birth Abortion Ban Act despite strong bi-partisan opposition. His action allows the person performing an abortion to partially deliver a living baby before killing it to complete the delivery. His objection to the ban was based on concerns over the "health" of the mother, despite strong protections written into the act.

11. He denied assistance and care to pregnant teens, including adoption counseling, when he de-funded the Adolescent Family Life Act (Title XX of the Public Service Health Act). His action also denied funds for pregnancy prevention demonstration projects which focus on abstinence and postponing sexual activity.

12. He prevented Chinese nationals and others fleeing coercive population control programs to receive asylum in the US. Even though immigration judges have found credible claims of past or future forced abortions or involuntary sterilizations, the President has allowed Chinese nationals to be deported to China.

While he has chosen his words carefully, the record is clear: President Bill Clinton has demonstrated no commitment to making the tragedy of abortion rare. U.S. taxpayers have been forced to cover the flood of new funding for groups like Planned Parenthood, which advocate abortion everywhere from elementary school classrooms to international conferences. Just because it's legal doesn't make it right, nor should we be forced to pay for it...which is why he can talk all he wants about fewer abortions. But until he takes action to show he's serious about his commitments, we can't take him at his word...

Actions speak louder than words, Mr. President. Stop taxpayer funding of abortion now.

Twenty-four years ago the Supreme Court handed down its infamous decision in *Roe v. Wade.* Since then, millions of abortions have sacrificed human lives on the altar of convenience. Today our nation's conscience is troubled. You can help re-shape the soul of our country by standing with us as we stand against abortion on demand. *Call today for these important resources:*

❑ *Our Better Angels: The Care of Human Life* This illustrated booklet presents compelling arguments on life issues to help you defend the sanctity of life. Written by Gary L. Bauer, Robert G. Morrison, and Gracie S. Hsu. Suggested donation: $2.50 Item #021

❑ *A Woman's Right (Not) to Know* This paper examines abortion's reporting requirements and standards in all the 50 states. Find out what the abortion industry doesn't want the public to know. Suggested donation: $2.50 Item #BL022

97AWSA Family Research Council 801 G Street NW, Washington, D.C. 20001 202-393-2100 http://www.frc.org Gary L. Bauer, President

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